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PENNSYLVANIA BULLETIN

Volume 26
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 265, December 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

List of Pa. Code Chapters Affected

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 1500]

Miscellaneous Technical Amendments to Notes and Comments to Rules; No. 267; Doc. No. 5

Order

Per Curiam:

And Now, this 5th day of December, 1996, the notes to Rules of Civil Procedure 227.1(c) and 1557 and Footnote 2 of the Explanatory Comment to Rules 1038.1 and 1038.2 are amended to read as follows.

Whereas publication of proposed rulemaking would otherwise be required, it has been determined under Rule of Judicial Administration 103(a)(3) that the amendments are of a perfunctory nature and that the immediate promulgation of this Order is required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

I. The notes to Rules of Civil Procedure 227.1(c) and 1557 are amended to read as follows:

Rule 227.1. Post-Trial Relief.

* * * * *

(c) ***

Official Note: A motion for post-trial relief may be filed following a trial by jury, a trial by a judge without a jury in an action at law pursuant to Rule 1038 or a trial by a judge without a jury in an action in equity. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. See *U. S. National Bank in Johnstown v. Johnson*, 506 Pa. 622, 487 A.2d 809 (1985).

[A motion for post-trial relief may not be filed in a case stated.]

* * * * *

CHAPTER 1500. ACTION IN EQUITY

Subchapter B. PARTITION OF REAL PROPERTY

Rule 1557. Order Directing Partition. Post-Trial Relief.

* * * * *

Official Note: Pennsylvania Rule of Appellate Procedure [311(a)(6)] 311(a)(7) provides that an appeal may be taken as of right from an order directing partition.

* * * * *

II. Footnote 2 to the Explanatory Comment to Rules 1038.1 and 1038.2 is amended to read:

2. See the [**dissenting**] **concurring** opinion in *McCarron v. Upper Gwynedd Township et al.*, 139 Pa. Cmwlth. Ct. 528, 591 A.2d 1151, 1159 (1990).

Explanatory Comment

The note to Rule 227.1(c) has been amended by deleting the second paragraph referring to a case stated. This amendment was required by the abolition of the case stated by Rule 1038.2.

The note to Rule 1557 has been amended to reflect the 1996 amendment of Pennsylvania Rule of Appellate Procedure 311 which renumbered the subparagraph providing for an appeal as of right from an order directing partition.

The amendments are technical in nature and do not affect practice or procedure.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 96-2131. Filed for public inspection December 20, 1996, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Promulgation of Rules 3276—3291 Governing Deficiency Judgments; No. 268; Doc. No. 5

Order

Per Curiam:

And Now, this 6th day of December, 1996, Rules of Civil Procedure 3276 through 3291 governing Deficiency Judgments are promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

DEFICIENCY JUDGMENTS

General Provisions

Rule	
3276.	Scope.
3277.	Definitions.
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Proceedings under Section 8103(a) to Fix Fair Market Value of Real Property Sold

3281.	Parties.
3282.	Petition. Averments. Notice to Defend.
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3285.	Trial.
3286.	Order. Effect.

Proceedings under Section 8103(d) to Mark Judgment Satisfied, Released and Discharged

3287.	Parties.
3288.	Petition. Averments. Notice to Defend.
3289.	Service.
3290.	Order Upon Default or Admission.
3291.	Trial.

General Provisions

Rule 3276. Scope.

The rules of this chapter govern proceedings pursuant to Section 8103 of the Judicial Code, 42 Pa.C.S. § 8103, relating to deficiency judgments.

Official Note: Section 8103(a) of the Judicial Code provides for a petition to fix the fair market value of real property sold in execution proceedings where the price for the property sold is not sufficient to satisfy the amount of the judgment, interest and costs and the judgment creditor seeks to collect the balance due.

Section 8103(d) provides for a petition to have the judgment marked satisfied, released and discharged when the judgment creditor has not initiated a timely proceeding under Section 8103(a).

Rules 3276—3280 are general provisions applicable to both types of petitions. Rules 3281—3286 are special rules applicable to petitions under Section 8103(a) while Rules 3287—3291 apply to petitions under Section 8103(d).

Rule 3277. Definitions.

As used in this chapter,

“judgment” means any judgment which is subject to the provisions of Section 8103 of the Judicial Code and includes a judgment de terris, a judgment in rem and a judgment in personam.

Official Note: The inclusion of judgments de terris, in rem, and in personam is intended to implement Section 8103(a) of the Deficiency Judgment Law which provides that the “petition shall be filed as a supplementary proceeding in the matter in which the judgment was entered.” This changes the practice under prior case law which did not permit the filing of the proceeding supplementary to a matter in which the judgment obtained was not in personam.

The bringing of a deficiency judgment proceeding supplementary to an action in rem or de terris such as mortgage foreclosure does not change the character of the action as in rem or de terris. See Rule 3286.

“judgment creditor” means the holder of a judgment as defined by this rule;

“prior lien amounts” means the amounts of any prior liens, costs, taxes and municipal claims not discharged by the sale, and the amounts of any such items paid at distribution on the sale.

Rule 3278. Venue. Supplementary Proceeding.

The proceeding shall be brought in the county in which the real property which is sold is located as a supplemental proceeding in the execution proceeding in that county.

Rule 3279. Commencement. Petition.

(a) The proceeding shall be commenced by filing a petition which shall begin with the notice to defend and set forth the averments required by Rule 3282 or Rule 3288.

(b) The petition shall contain a caption setting forth

(1) the docket number of the execution proceedings in which the real property was sold, and

(2) the names of all petitioners and respondents.

Official Note: See Rules 3281 and 3287 governing parties to the proceeding.

(c) The petition shall be verified and divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

Rule 3280. Answer.

(a) Except as provided by subdivision (b), an answer to a petition which contains a notice to defend shall be filed within twenty days after service of the petition.

(b) A respondent served outside the United States shall have sixty days from service of the petition within which to file an answer.

(c) The answer to a petition shall be divided into paragraphs, numbered consecutively, corresponding to the numbered paragraphs of the petition.

Proceedings under Section 8103(a) to Fix Fair Market Value of Real Property Sold

Rule 3281. Parties.

(a) The petition shall name the judgment creditor as petitioner.

(b) The petition shall name as respondent any debtor, obligor, guarantor, mortgagor, and any other person directly or indirectly liable to the judgment creditor for the payment of the debt, and any owner of the property affected thereby.

Rule 3282. Petition. Averments. Notice to Defend.

(a) The petition shall set forth:

(1) the name and address of the judgment creditor,

(2) the name and last known address of each respondent,

(3) a statement that the petition is filed pursuant to Section 8103(a) of the Judicial Code,

(4) the court and number of the execution proceedings, the original judgment and any judgment obtained by transfer,

(5) the date that the property was sold by the sheriff and the date that the sheriff's deed was executed and acknowledged,

(6) a description of the real property and its location,

(7) the fair market value of the real property,

(8) a description of all prior lien amounts if the petitioner desires credit for such amounts, and

(9) a request that the court fix the fair market value of the real property at the value set forth in the petition and that the court determine any prior lien amounts as set forth in the petition.

(b) The petition shall begin with a notice to defend substantially in the following form:

(CAPTION)

NOTICE TO DEFEND

To the Respondent(s):

You have been sued in court. The petition set forth in the following pages requests the court to determine the

amount which should be credited against any liability you may have to the petitioner as a result of the purchase by the petitioner at an execution sale of the real property described in the petition. If you wish to defend against the petition, you must take action within twenty (20) days after this petition and notice are served upon you, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the matters set forth in the petition. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any claim or relief requested by the petitioner. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Name)

(Address)

(Telephone Number)

Official Note: The office shall be designated by the court under Rule 1018.1(c).

Rule 3283. Service.

- (a) The petition shall be served
 - (1) upon a respondent who is a defendant in the judgment who has entered an appearance, by the petitioner in the manner provided by Rule 440, and
 - (2) upon any other respondent
 - (i) by the sheriff or a competent adult who is not a party to the action in the manner prescribed by Rule 402(a) for service of original process, or
 - (ii) by the petitioner mailing a copy in the manner prescribed by Rule 403, or
 - (iii) if service cannot be made as provided in subparagraphs (i) or (ii), pursuant to special order of court as prescribed by Rule 430.
- (b) The person serving the petition shall file a return of service as provided by Rule 405.

Rule 3284. Order Upon Default or Admission.

The court shall, without further notice or hearing, enter an order determining the fair market value of the real property to be the value alleged in the petition and determining the prior lien amounts to be in the amounts alleged in the petition if

- (1) no answer is filed within the required time to a petition which contains a notice to defend and notice has been given as provided by Rule 237.1 et seq., or
- (2) an answer is filed which does not deny the allegations in the petition as to the fair market value or the prior lien amounts.

Rule 3285. Trial.

If an answer is filed which denies the allegations in the petition as to the fair market value or the prior lien amounts, the trial shall be limited to those two issues which shall be heard by a judge sitting without a jury in accordance with Rule 1038.

Official Note: Rules 206.4 through 206.7 governing petitions and answers do not apply to a petition subject to these rules.

Rule 3286. Order. Effect.

(a) The order of the court, whether upon default, admission or after trial, determining the fair market value of the real property and of the prior lien amounts shall release the respondents named and served to the extent of the fair market value so determined less the prior lien amounts.

Official Note: Section 8103(c)(2) of the Judicial Code provides for a decree to be entered "directing the judgment creditor to file release of the debtors, obligors, guarantors or any other persons directly or indirectly liable for the debts, to the extent of the fair value so fixed."

(b) No order entered in a proceeding pursuant to these rules shall determine or be deemed to have determined whether any respondent is personally liable to the petitioner.

Proceedings under Section 8103(d) to Mark Judgment Satisfied, Released and Discharged

Rule 3287. Parties.

The petition shall name the judgment creditor as a respondent.

Rule 3288. Petition. Averments. Notice to Defend.

- (a) The petition shall set forth:
 - (1) the name and address of the petitioner,
 - (2) the name and last known address of each respondent,
 - (3) a statement that the petition is filed pursuant to Section 8103(d) of the Judicial Code,
 - (4) the court and number of the execution proceedings, the original judgment and any judgment obtained by transfer,
 - (5) a statement that the real property was sold, directly or indirectly, to the judgment creditor in the execution proceedings,
 - (6) the date that the property was sold by the sheriff and the date that the sheriff's deed was executed and acknowledged,
 - (7) a statement that no petition under Section 8103(a) of the Judicial Code has been filed within six months after the sale, and
 - (8) a request that the court direct the prothonotary to mark the judgment satisfied, released and discharged.
- (b) The petition shall begin with a notice to defend substantially in the following form:

(CAPTION)

NOTICE TO DEFEND

To the Respondent(s):

You have been sued in court. The petition set forth in the following pages requests the court to direct the prothonotary to mark the judgment held by you against the petitioner satisfied, released and discharged as a result of your alleged failure to file a timely petition to fix the fair market value of real property purchased directly or indirectly by you at an execution sale. If you wish to defend against the petition, you must take action within twenty (20) days after this petition and notice are served upon you, by entering a written appearance personally or

by attorney and filing in writing with the court your defenses or objections to the matters set forth in the petition. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any claim or relief requested by the petitioner. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

(Name)

(Address)

(Telephone Number)

Official Note: The office shall be designated by the court under Rule 1018.1(c).

Rule 3289. Service.

(a) The petition shall be served in the manner provided by Rule 440.

(b) Proof of service shall be as provided by Rule 405.

Rule 3290. Order Upon Default or Admission.

The court shall, without further notice or hearing, enter an order directing the prothonotary to mark the judgment satisfied, released and discharged if

(1) no answer is filed within the required time to a petition which contains a notice to defend and notice has been given as provided by Rule 237.1 et seq., or

(2) an answer is filed which does not deny the allegations in the petition that the judgment creditor has purchased, directly or indirectly, the real property sold in an execution sale on the judgment creditor's judgment and has failed to file a timely petition to fix the fair market value of the real property under Section 8103(a) of the Judicial Code.

Rule 3291. Trial.

If an answer is filed which denies the allegations in the petition, the trial shall be by a judge sitting without a jury in accordance with Rule 1038.

Official Note: Rules 206.4 through 206.7 governing petitions and answers do not apply to a petition subject to these rules.

Explanatory Comment

The new rules governing deficiency judgment proceedings accomplish two objectives. First, they supply a procedure lacking since the repeal by the Judiciary Act Repealer Act (JARA)¹ in 1978 of the Deficiency Judgment Act² of 1941. Second, they provide for the filing of a proceeding to fix the fair market value of real property sold as a supplement to the action in which the judgment was entered, thereby eliminating a procedural difficulty which has been termed the "deficiency judgment trap."

I. The New Procedure

In 1978 the Deficiency Judgment Act of 1941 was repealed and replaced by a new provision, Section 8103 of

the Judicial Code.³ The Code provision eliminated much of the procedure in the former statute and made specific mention of matters which would be governed by general rules. The new rules complement the Code provision.

Section 8103 of the Judicial Code contemplates two petitions. One is a petition under subsection (a) by the judgment creditor to fix the fair market value of the real property sold on execution. The other is a petition under subsection (d) to have the judgment marked satisfied when the judgment creditor has failed to timely file a petition to fix the fair market value of the real property.

As the note to Rule 3276 indicates, the new rules are drafted around these two petitions. The first five rules, Rules 3276 through 3280, are general provisions applicable to both petitions under the Code. They govern the scope of the rules, definitions, venue of the proceeding, commencement by petition and the formal requirements of the petition and answer.

The second group of six rules, Rules 3281 through 3286, are rules which apply to the petition to fix the fair market value of real property sold under Section 8103(a) of the Judicial Code. They specify the parties to the proceeding, the averments to be set forth in the petition and a notice to defend, the manner of serving of the petition, the order to be entered upon default or admission, the trial of the matter and the eventual order and its effect.

The final group of five rules, Rules 3287 through 3291, apply to the petition to mark the judgment satisfied, released and discharged under Section 8103(d) of the Judicial Code. These rules parallel the rules just mentioned, prescribing the parties to the proceeding, the averments to be set forth in the petition and a notice to defend, the manner of serving of the petition, the order to be entered upon default or admission and the trial of the matter.

II. Supplementary Proceeding

Section 8103(a) of the Judicial Code provides that the "petition shall be filed as a supplementary proceeding in the matter in which the judgment was entered." It has been held, however, that the proceeding may not be brought as a supplement to an action of mortgage foreclosure, an action de terris.⁴ Rather, the proceeding must be brought in connection with an action in personam. The inability to bring a proceeding supplementary to an action of mortgage foreclosure, coupled with the time constriction of a six-month period following the sale of the collateral in which to bring the proceeding,⁵ has created difficulties for the practitioner.

The rules remove the impediment to bringing a deficiency judgment proceeding supplementary to an action of mortgage foreclosure. First, Rule 3277 defines judgment as "any judgment which is subject to the provisions of Section 8103 of the Judicial Code and includes a judgment de terris, a judgment in rem and a judgment in personam." Second, Rule 3278 provides that the "proceeding shall be brought in the county in which the real property which is sold is located as a supplemental proceeding in the execution proceeding in that county." Thus, in an action of mortgage foreclosure, an action de terris, the petition to fix the fair market value "shall" be filed following the sale of the real property as a supplementary proceeding in the execution proceeding.

³ 42 Pa.C.S. § 8103.

⁴ *McDowell Nat. Bank of Sharon v. Stupka*, 310 Pa. Superior Ct. 143, 456 A.2d 540 (1983).

⁵ Section 5522(b)(2) of the Judicial Code, 42 Pa.C.S. § 5522(b)(2).

¹ Section 2(a) [1227] of the Act of April 28, 1978, P.L. 202, No. 53, 42 P.S. § 20002(a) [1227].

² Act of July 16, 1941, P.L. 400, No. 151, 12 P.S. § 2621.1 et seq. (Repealed).

In allowing a deficiency judgment proceeding to be brought supplementary to an action de terris or in rem, the character of the action is not altered. As Rule 3286(b) states, the deficiency judgment proceeding merely fixes the fair market value of the real property sold and does not impose personal liability on any respondent.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 96-2132. Filed for public inspection December 20, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Revision of Local Civil Action Rule 39-1920.3;
Miscellaneous Docket Volume CC, Page 11

Order of Court

December 5, 1996, the following Civil Action Rule is amended for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and Fulton County Branches: 39-1920.3, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39-1920.3. Commencement of the Action.

(a) In addition to all filing fees now or hereafter required to be deposited at the time a complaint in divorce is filed, a standing master/transcription assessment in the amount of \$55.00 shall be deposited commencing September 1, 1993.

(b) The prothonotary shall on or before the final working day of each week following a receipt of standing master/transcription fees transmit the same to the Controller of Franklin County or the Treasurer of Fulton County for deposit in a separate account identified as the Standing Master/Transcription Account.

(c) When a divorce action is commenced by the filing of a Complaint with the Prothonotary, the Plaintiff shall file the form of report required by the Commonwealth of Pennsylvania, Department of Health, Vital Statistics Division as required by Pa.R.C.P. 1920.46 and shall additionally provide two addressed envelopes for both the Plaintiff and the Defendant who will be notified of the Education Program for Divorcing Parents established by the 39th Judicial District of Pennsylvania by its Order of Court dated _____, 1996.

Education Program for Divorcing Parents; Misc. Docket CC, Page 11

And Now, this 5th Day of December, 1996,

It Is Hereby Ordered that, effective January 2, 1997, all parties to a divorce action with children under the age of eighteen shall attend the Education Program for Divor-

ing Parents. The Program is a four-hour educational seminar which has been established by the Court to provide guidance to parents in helping their children adjust to the consequences of divorce. The procedures of the Program are as follows:

1. Simultaneously with the filing of a Divorce Complaint, the moving party must file the vital statistics sheet along with two addressed envelopes for both parties who will then be notified by the Court Administrator's Office of the Program and will be provided with a brochure for registration along with a copy of this Order of Court. The parties must fulfill the requirement of mandatory attendance at the seminar within ninety days.

2. Attendance at the seminar is mandatory and can only be waived for compelling reasons after presentation of a Motion to the Court.

3. Within ten days of the notification of the Program as provided in paragraph 1 above, the parties are required to register by using the pre-printed registration form contained in the Education Program for Divorcing Parents brochure. The Program shall be successfully completed by both parties within ninety days of the filing of the Complaint.

4. A fee of \$40.00 will be assessed against each individual attending the seminar. The fee must be paid and mailed in advance of the seminar along with the completed registration form to the address listed in the brochure. Any requests for a waiver reduction of the fee with proof of hardship must be presented to the Program Administrator as instructed in the brochure.

5. FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT WITH THE IMPOSITION OF SANCTIONS INCLUDING A FINE AND/OR IMPRISONMENT.

6. Upon successful completion of the Program, the Program Administrator will provide a certificate directly to the Prothonotary's Office verifying the parties' participation in the course.

[Pa.B. Doc. No. 96-2133. Filed for public inspection December 20, 1996, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order 1996-7; Misc. 332-96

Order of Court

And Now, this 3rd day of December, 1996, the Northampton County Office of Pretrial Services is substituted for Lehigh Valley Office of Pre-Trial Services, Inc., in Administrative Order 1992-5. In all other respects, Administrative Order 1992-5 shall remain in effect.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 96-2134. Filed for public inspection December 20, 1996, 9:00 a.m.]

NORTHAMPTON COUNTY**Rule of Civil Procedure N236—Notice by Prothonotary of Entry of Order, Decree or Judgment; 1996-CM-9361****Order of Court**

And Now, this 5th day of December, 1996, Northampton County Rule of Civil Procedure N236—Notice of Prothonotary of Entry of Order, Decree of Judgment—is hereby adopted as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee. One (1) copy of this rule shall be kept available in the Office of the Clerk of Courts. A copy is directed to be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N236. Notice by Prothonotary of Entry of Order, Decree or Judgment.

When filing any order, decree, or judgment, a party shall provide the Prothonotary with the name and address of each unrepresented party along with a sufficient number of copies for mailing by the Prothonotary.

[Pa.B. Doc. No. 96-2135. Filed for public inspection December 20, 1996, 9:00 a.m.]

NORTHAMPTON COUNTY**Rules of Criminal Procedure: Bail; Misc 331-96****Order of Court**

And Now, this 3rd day of December, 1996, Northampton County Rules of Criminal Procedure N4003.1, N4006.1, N4008.1, N4009.1, N4011.1 and N4015.1 are hereby rescinded effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

Northampton County Rules of Criminal Procedure N4006, N4007, N4010, N4011, N4014 and N4015.1 are hereby adopted as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee. One (1) copy of this rule shall be kept available in the Office of the Clerk of Courts. A copy is directed to be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N4006. Release on R.O.R. or Nominal Bail.

If a defendant is released on his own recognizance (R.O.R.) or on nominal bail, the Court or the issuing authority may designate the Northampton County Office

of Pretrial Services as surety for the defendant, and the defendant shall then become subject to the rules and regulations of the bail agency.

Rule N4007. Types of Bail.**A. Percentage Cash Bail**

(1) A defendant for whom bail has been set or a private third party surety, with the approval of the Court or with the approval of the issuing authority and the recommendation of the Court-designated bail agency, shall execute the bail bond and deposit with the issuing authority or the Clerk of Courts—Criminal a sum of money equal to ten percent (10%) of the amount of bail set, but in no event less than Fifty (\$50.00) Dollars. Corporate sureties or professional bail bondsmen or agents thereof are expressly prohibited from posting the deposit for bail as provided in this Rule.

(2) Where the Court or the issuing authority releases a defendant on bail on the percentage cash bail program, the Court-designated bail agency shall be designated surety for the defendant, and the defendant shall then become subject to the rules and regulations of that bail agency.

B. Real Estate

(1) If realty is offered to satisfy the bail set for an individual defendant, the owner shall present justification for such by filing an affidavit containing the following information for such realty:

(a) Owner's name, address and occupation;

(b) A general description of the real estate which is offered as surety, including location;

(c) A statement of the manner in which title was obtained;

(d) A statement of all encumbrances, including taxes, and estimated amounts required to satisfy said encumbrances;

(e) A statement of any and all other surety undertakings; and

(f) A statement of the fair market value of any realty offered as surety and the assessed valuation of any realty offered as surety and located in Northampton County.

(2) Upon review of the affidavit, the Clerk of Court—Criminal Division shall deduct from the fair market value the amount of any encumbrance, lien, judgment, mortgage or obligation of record to determine the net value of the realty. Realty shall only be accepted as consideration for bail if the net value is at least equal to the amount of the bail required.

(3) Realty shall be used as bail pursuant to this section only if it has not been posted or is not presently being used for bail for any other charges or defendants, unless permitted by court order.

Rule N4010. Designation of Local Bail Agency.

(a) The Northampton County Office of Pretrial Services is designated to have the duties and powers of a bail agency as set forth in Rule 4010 of the Pennsylvania Rules of Criminal Procedure.

(b) Whenever a defendant has failed to comply with the rules and regulations of the bail bond or of the bail agency or any additional conditions of his release, he may be brought before the Court to determine if additional bail shall be set in his case, or bail revoked.

Rule N4011. Qualifications of Surety and Bail Bondsmen.

(a) Surety companies, fidelity companies and bondsmen are not qualified to act as sureties in Northampton County except as otherwise provided for in these rules.

(b) The Clerk of Courts—Criminal shall compile, maintain, and make available for public inspection a list of approved surety companies, fidelity companies, and professional bondsmen qualified to act as sureties in Northampton County (hereinafter "the approved list").

(c) A professional bondsman, as defined in 42 Pa.C.S.A. § 5741, may not be included on the approved list unless he:

(1) presents proof of currently valid registration and licensure by the Insurance Department of the Commonwealth of Pennsylvania, pursuant to 42 Pa.C.S.A. § 5742;

(2) presents proof that he maintains an office in Northampton County from which he conducts his business, pursuant to 42 Pa.C.S.A. § 5744; and

(3) posts and maintains as security with the Clerk of Courts—Criminal the sum of Twenty-five Thousand (\$25,000.00) Dollars in United States currency.

(d) Any fidelity or surety company authorized to act as surety within this Commonwealth may not be included on the approved list unless the company:

(1) presents proof of currently valid registration and licensure by the Insurance Department of the Commonwealth of Pennsylvania pursuant to 40 P.S. §§ 831 et seq.;

(2) files with the District Attorney, and with the Clerk of Courts—Criminal for the last calendar quarter ending before the date of the application, a report of the type required to be filed quarterly, pursuant to 42 Pa.C.S.A. § 5747; and

(3) posts and maintains as security with the Clerk of Courts—Criminal the sum of Twenty-five Thousand (\$25,000.00) Dollars in United States currency.

(e) A professional bondsman or surety company wishing to be placed on the approved list must file information required by Rules N4007.101(c) and N4007.101(d) with the Clerk of Courts—Criminal. Upon finding of compliance of the applicant with these rules and all applicable laws, the Clerk of Courts—Criminal shall place the name of the applicant on the approved list.

(f) Upon order of the Court of Common Pleas of Northampton County, after hearing held on not less than ten (10) days notice to the bondsman or fidelity or surety company, the Clerk of Courts—Criminal shall remove the name of the bondsman or company from the approved list. Grounds for suspension or revocation shall include, in the discretion of the Court:

(1) failure of the bondsman or fidelity or surety company to comply with the requirement of these rules;

(2) failure of the bondsman or fidelity or surety company to pay any forfeited bail bond within six (6) months of the forfeiture or file a petition to reinstate said bail bond within the six-month period;

(3) suspension of the license of a bondsman by a Court of Common Pleas elsewhere in the Commonwealth of Pennsylvania for reasons other than failure to maintain an office in the county in which he was suspended;

(4) suspension of the license of a fidelity or surety company by the Insurance Department of the Commonwealth of Pennsylvania;

(5) non-compliance by a fidelity or surety company with the requirements of 42 Pa.C.S.A. § 5747;

(6) non-compliance by a bondsman with the requirements of 42 Pa.C.S.A. § 5746(b).

(g) Whenever bail has been forfeited with respect to a defendant for whom bail has been posted by a professional bondsman or surety company or fidelity company, the amount of said forfeited bail shall, pursuant to Pa.R.Crim.P. 4016, be deducted and withdrawn by the Clerk of Courts—Criminal from the security posted by the said bondsman or company pursuant to these rules. Within ten (10) days after notice to the bondsman or company of such withdrawal by the Clerk of Courts—Criminal, the said bondsman or company shall replenish the posted security to maintain Twenty-five Thousand (\$25,000.00) Dollars as security. Failure, after such notice, so to replenish the security shall (1) require notice by the Clerk of Courts—Criminal of such failure to the District Attorney, and (2) be grounds for removal of the name of the bondsman or fidelity or surety company from the approved list.

(h) The Clerk of Courts—Criminal may make additions to or deletions from the approved list at any time. When there is an addition to or deletion from the list, the Clerk of Courts—Criminal shall distribute copies of the list to the District Attorney of Northampton County, Public Defender of Northampton County, Bail Agency, Warden, and to the Court Administrator, who shall distribute the list to all sitting Judges and District Justices of the Third Judicial District. An updated list shall be distributed at least once every twelve months, notwithstanding the absence of any additions or deletions from the list.

(i) No person or office may accept bail from a bondsman, a fidelity company or a surety company that is not included on the current approved list.

Rule N4014. Duration of Obligation—Termination of Case.

In cases where a defendant has been sentenced to a term of imprisonment, commencement of which sentence has been deferred, full and final disposition of the case shall not be deemed to occur prior to defendant's surrender to authorities for commencement of the sentence of imprisonment.

Rule N4015.1. Return of Deposits; Charges.

(a) Upon full and final disposition of the case, the issuing authority or the Clerk of Courts—Criminal shall retain twenty per cent (20%) of the amount deposited, but in no event less than Fifty (\$50.00) Dollars as administrative costs for the percentage cash bail program and shall return the balance to the defendant or the third party surety unless the balance is applied to pay a fine and costs of prosecution or to make restitution. The moneys retained shall be considered as earned at the time the bail undertaking is executed and the money is deposited by the defendant or the third party surety.

(b) If the Court, upon sentence, orders the defendant to pay a fine and costs of prosecution or to make restitution, the amount deposited by the defendant under the percentage cash bail program shall be first applied to the administrative costs as aforesaid or for general county use and then to the fine, costs, and restitution as ordered.

(c) Where a third party surety has deposited money under the percentage cash bail program or otherwise, the

moneys deposited shall be first applied to the administrative costs as aforesaid. With the voluntary written authorization of the person who deposited the bail, any balance shall then be applied to the fine, costs, and restitution ordered by the Court.

(d) Upon authorization in writing of the defendant and the third party surety who posted the deposit, whatever balance of such deposit is repayable to the defendant or the third party surety may be paid to the defendant's attorney of record upon filing such written authorization with the Clerk of Courts—Criminal.

(e) When a defendant or a third party surety has deposited a sum of money under the percentage cash bail program, then upon full and final disposition of the case, the deposit less the administrative costs and any amount applied to payment of fine, costs, and restitution as set forth above, shall be returned to the person who originally posted the deposit. Notice of the full and final disposition shall be sent by the Clerk of Courts—Criminal to the person who originally posted money at his address of record. Any money not claimed within one hundred eighty (180) days from the time of full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the County of Northampton.

[Pa.B. Doc. No. 96-2136. Filed for public inspection December 20, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on December 4, 1996, pursuant to Rule 214(d) of the Pa.R.D.E., Dale John Belock has been placed on Temporary Suspension by the Supreme Court of Pennsylvania until further Order of the Court.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 96-2137. Filed for public inspection December 20, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CHS. 201 AND 203]

Administration of the Training Program

The Municipal Police Officers' Education and Training Commission (Commission), by this order reserves Chapter 201 (relating to administration of the program) and adopts Chapter 203 (relating to administration of the program) under the authority of section 5(15) of the act of June 18, 1974 (act) (P. L. 359, No. 120) (53 P. S. § 744 (15)), to read as set forth in Annex A. Notice of proposed rulemaking was published at 26 Pa.B. 2793 (June 15, 1996), with an invitation to submit written comments within 30 days of publication. The Commission received three comments.

Comments Received

The Commission received comments from the Independent Regulatory Review Commission (IRRC), the East Fallowfield Township Police Department and the Criminal Justice Training Center at Indiana University of Pennsylvania. The following is a summary of the comments received and the Commission's response:

(1) The East Fallowfield Township Police Department suggested the Commission consider amending § 203.11(4)(v) (relating to visual acuity) to read that applicants have visual acuity correctable to 20/20 in the stronger eye and 20/40 in the weaker eye, with normal depth and color perception and free of any significant visual abnormalities. This amendment was suggested because of perceived Americans With Disabilities Act conflicts. After discussion and research, the Commission declined to act on this suggestion. Under a number of circumstances, police officers may not have vision correction available, have it dislodged or not functioning properly but will still be expected to perform their duties. The uncorrected 20/200 standard is the point at which a person is legally blind. Without these requirements there would be little to prevent applicants with dangerously poor vision from being employed as police officers, and it would be impossible for them to safely and effectively perform various duties without vision correction.

(2) The Criminal Justice Training Center at Indiana University of Pennsylvania wrote the Commission with concerns regarding geographic locations of schools, school policies on school absences and due process for decertified schools. Many of the enumerated concerns were specifically addressed in the proposed rulemaking. As noted in § 203.1 (relating to definitions), language regarding each geographic location was included to more accurately represent the network of basic training facilities throughout this Commonwealth. School directors were provided flexibility in permitting excused absences for valid reasons under § 203.11 (relating to absences) which also requires 100% attendance by applicants. The Commission does not have the authority under § 203.31 (relating to eligibility for school certification) to decertify a school without due process. The due process procedure in § 203.102 (relating to adverse determination) and affords a hearing if the Commission revokes a previously issued school certification. The proposed rulemaking requires the Commission to take the amount of necessary police training into consideration when making decisions on

school certification, rather than permitting schools to conduct training programs in any location desired and makes the Commission responsible to establish and administer the basic training course.

(3) IRRC suggested many amendments to the proposed regulations. IRRC believes the Commission has the authority to revoke police officers' certifications before the expiration of the 2-year certification. The Commission agrees with the IRRC comment and stated that the legal issue is not authority, but the fact that during the 2-year certification period the Commission will not have knowledge of police officers not completing requirements until the period ends. If the Commission is advised, revocation may be instituted. The Commission has added the ability for municipalities to request additional time for police officers to complete in-service training requirements under § 203.14 (relating to revocation of certification).

IRRC advised that the Department of Conservation and Natural Resources, Bureau of State Parks, requested a provision be included that would permit the Commission to provide instructor training to law enforcement officers employed by the Bureau of State Parks. The Commission declines this amendment because of the large number of other agencies also requesting instructor training. Commission resources are not sufficient to be able to train a larger number of instructors each year for mandatory in-service training. As a matter of policy, the Commission is not able to make exceptions for one request and not another. Rank and file officers from these agencies are able to receive training under § 203.82(b) (relating to law enforcement agency not eligible for reimbursement).

IRRC proposed amending § 203.51(a) (relating to basic police training course curriculum) to include the specific number of hours required in the basic police training course because it believes that the number of hours (or minimum number of hours) is essential information that should be established in the regulations. The Commission declined to act on this suggestion based on the fact that it is the Commission which provides schools with the entire curriculum which may not be modified in any way by the school. Additionally, the curriculum is periodically revised. The revisions may be due to court decisions which required immediate dissemination, or by the periodic updating and validation through an outside consultant hired under contract. The Commission has agreed to amend the section by adding language requiring it to publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the number of hours required in the basic police training course changes as a means of ensuring public dissemination of this essential information.

IRRC proposed various amendments to various portions of §§ 203.1, 203.11, 203.12(2)(ii), 203.14(a), 203.31, 203.33, 203.35, 203.36, 203.51, 203.52, 203.54, 203.72, 203.73, 203.83 and Subchapter G which the Commission adopted.

Purpose

The purpose of these final-form regulations is to implement mandatory recruit training for all police officers subject to the act, to provide for certification of those individuals who successfully complete the training, pass a State certification test and are employed by a political subdivision or certain colleges or are deputy sheriffs employed by the Allegheny County Sheriff's Office. The final-form regulations also provide that certifications must be renewed every 2 years and mandate that an

officer must complete at least 12 hours of in-service training yearly and maintain certification in first aid, CPR and weapons qualification. The regulations also set physical, psychological and criminal standards for police officers. Those officers that do not meet the standards are subject to decertification by the Commission.

Effect

The final-form regulations affect every police officer as that term is defined in section 2 of the act (53 P.S. § 741). All existing school certifications shall continue. All existing police officer certifications shall continue until their expiration date. Those police officer certifications without an expiration date shall expire December 21, 1996. Existing instructor certifications issued to instructors who have taught at a certified school during the 2 years preceding publication for adoption of the final rulemaking shall continue, all others shall expire December 21, 1996.

Policy

There is a policy issue concerning the impact of these amendments on current officers. Officers will have to comply with mandatory in-service training, first aid, CPR and weapons qualifications yearly, or they may be decertified. Therefore, some officers who were grandfathered for basic training purposes, will now have to comply with mandatory in-service training, first aid, CPR and weapons qualification requirements for the first time. Most police officers have been complying with the nonmandatory basis since Act 180 of 1988 became law. Police officers will also be required to meet standards for physical and psychological fitness and with regard to criminal convictions, or face the possibility of being decertified.

Fiscal Impact

The final-form regulations will have no additional fiscal impact on the Commonwealth.

The costs to municipalities would be for transportation of officers to in-service training schools and in maintaining first aid, CPR and firearms qualifications, and any costs associated with paying overtime or salary to officers attending the trainings. The proposed regulations do not, however, require political subdivisions to pay salary to officers attending in-service training.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 25, 1996, the Commission submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 2793, to IRRC and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Commission considered the comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Judiciary Committee and the Senate Law and Justice Committee on November 15, 1996. IRRC met on November 21, 1996, and approved these final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

The contact person is Major Richard C. Mooney, Executive Director, Municipal Police Officers' Education and

Training Commission, 75 East Derry Road, Hershey, PA, 17033, who may be contacted at (717) 533-5987 for further information.

Findings

The Commission finds that:

(1) Public notice of intention to adopt these final-form regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the final-form regulations of the Commission in the manner provided in this order is necessary and appropriate. A public comment period was provided as required by law and that the comments received were considered.

(3) The modifications that were made to these final-form regulations in response to comments received do not enlarge the purpose or scope of the proposed amendments published at 26 Pa.B. 2793.

(4) The adoption of the final-form regulations in the manner provided is necessary and appropriate for the administration of the authorizing statute.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 37 Pa. Code Chapters 201 and 203, are amended by deleting §§ 201.1—201.4, 201.11—201.18, 201.20—201.29, 201.41—201.44 and 201.51; and by adding §§ 203.1, 203.11—203.15, 203.31—203.36, 203.51—203.54, 203.71—203.73, 203.81—203.83 and 203.101—203.103 to read as set forth in Annex A.

(b) The Chairperson of the Commission shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Chairperson of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

COLONEL PAUL J. EVANKO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5915 (December 7, 1996).)

Fiscal Note: Fiscal Note 17-55 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS TRAINING PROGRAM

CHAPTER 201. (RESERVED)

CHAPTER 203. ADMINISTRATION OF THE PROGRAM

Subch.

- A. GENERAL
- B. POLICE OFFICER CERTIFICATION REQUIREMENTS
- C. SCHOOL REQUIREMENTS
- D. COURSE REQUIREMENTS

E. INSTRUCTOR CERTIFICATIONS
F. REIMBURSEMENT OF EXPENSES
G. NOTICE AND HEARINGS

Subchapter A. GENERAL

Sec.
203.1. Definitions.

§ 203.1. Definitions.

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, have the following meanings:

Act—The act of June 18, 1974 (P. L. 359, No. 120) (53 P. S. §§ 740—749).

Certification—The assignment of a certification number to a police officer evidencing successful completion of a mandatory basic training course or receipt of a waiver of basic training from the Commission and successful completion of mandatory in-service training.

Certified police officer—A police officer who is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code), moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and carry a firearm.

Chairperson of the Commission—The Commissioner of the State Police.

Commission—The Municipal Police Officers Education and Training Commission.

Conviction—An adjudication of guilt including the imposition of a sentence.

Disqualifying criminal offense—A criminal offense for which more than 1 year in prison can be imposed as punishment.

Executive Director—The Commission elected head of staff responsible for administration. See section 5(10) of the act (53 P. S. § 744(10)).

Program—The Municipal Police Officers' Education and Training Program.

School—A training school or academy which provides a basic police training course. The term includes an organization which provides such a course within the functional organization of a police department or any educational entity within this Commonwealth which provides such a course at its base facility and at other locations approved by the Commission. Each separate geographical location shall be considered a school.

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

Sec.
203.11. Qualifications.
203.12. Waiver of training.
203.13. Certification as a municipal police officer.
203.14. Revocation of certification.
203.15. Application of packet submission.

§ 203.11. Qualifications.

Persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

- (1) Be 18 years of age or older.
- (2) Possess a high school diploma or GED Equivalency.
- (3) Be citizens of the United States.
- (4) Be free from convictions of disqualifying criminal offenses.
- (5) Be personally examined by a Pennsylvania licensed physician. The examination shall include the following:

(i) Applicants shall be free from the addictive or excessive use of either alcohol or drugs which shall be determined using current laboratory testing procedures.

(ii) Applicants shall be free from the use of illegal controlled substances which shall be determined using current laboratory testing procedures.

(iii) Applicants physical condition shall be such that applicants could reasonably be expected to withstand significant cardiovascular stress.

(iv) Applicants shall be free from any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions which may affect the applicants' ability to perform as police officers.

(v) Applicants shall have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality.

(vi) Applicants shall have audio acuity sufficient to distinguish a normal whisper at a distance of 15 feet. The test shall be independently conducted for each ear while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant may not use a hearing aid or other aid to perform the test. If the applicant fails this test, the applicant shall be required to take and pass a decibel audio test.

(vii) Applicants may not be missing any extremities, including digits, which would prevent performance of required police duties or meeting minimum training requirements.

(viii) Applicants shall be free from any other significant physical limitations or disabilities which would, in the physician's opinion, impair the applicant's ability to perform the duties of a police officer or complete the required minimum training requirements.

(6) Be personally examined by a Pennsylvania licensed psychologist and found to be psychologically capable to exercise appropriate judgment or restraint in performing the duties of a police officer. The examination shall include the following elements:

(i) *Interview and history.* The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) *Required psychological test.* Applicants shall be administered a current standard form of the Minnesota Multiphasic Personality Inventory (MMPI).

(iii) *Other testing methods.* If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the duties of a police officer including the handling of a lethal weapon, the psychologist shall employ whatever other appropriate techniques to form a professional opinion of the applicant's ability. The use of these additional techniques requires a full and complete written explanation to the Commission on a form submitted by the psychologist to the Commission indicating what additional testing has been performed and the results of the tests.

(7) Certify whether they have taken a physical examination or psychological evaluation conducted in conjunc-

tion with an application for police employment within the previous year and the outcome of the examination or evaluation.

(8) Be subject to a thorough background investigation conducted by the applicant's employing police department. The investigation shall include the following:

(i) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

(v) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(9) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

(i) Successful completion of a basic police training course shall be determined by the training school, based upon Commission standards.

(ii) To qualify for this certification, an applicant shall:

(A) Achieve a minimum qualifying firearms score of 75%.

(B) Receive certification for First Aid and CPR from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(C) Comply with Commission and school rules and regulations.

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(E) Attend 100% of all classes.

(I) Excused absences shall be mutually agreed upon by the police officer's department head and school director. School directors shall determine excused absences for applicants not employed as police officers.

(II) Excused absentees shall include personal illness or injury, illness in the immediate family requiring the applicant's attention or death in the immediate family.

(F) Complete the basic training course approved by the Commission with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum grade on each tested area of examination changes.

(I) Applicants not achieving the minimum grade in any tested area are permitted to take the examination in that tested area at another Commission-certified school. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to successfully retake and pass the entire basic police training course in order to qualify for certification.

(II) Applicants not achieving the minimum grade in two separate tested areas during one basic police training

course shall be required to retake and pass the entire basic police training course in order to qualify for certification.

§ 203.12. Waiver of training.

Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. An applicant for a waiver of training shall:

(1) Be employed as a police officer.

(2) Satisfy one of the following conditions:

(i) Successfully completed a Pennsylvania basic police training course approved by the Commission.

(ii) Previously was a Commission-certified police officer and left this position in good standing.

(iii) Previously was employed as a full-time police officer in this Commonwealth before June 18, 1974, who was not required to obtain certification from the Commission, and worked as a full-time police officer for at least 5 years.

(iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, as evidenced by documentation from the state agency responsible for establishing the standards.

(3) Undergo proficiency testing in the following three areas. Documentary proof of each qualification shall accompany the waiver of training application.

(i) *Firearms.* Applicants shall qualify on a police firearms course conducted by a certified police firearms instructor with the weapons the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course in the Commission newsletter on an annual basis.

(ii) *First Aid/CPR.* Applicants shall have valid certification in first aid and adult, child and infant CPR, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(iii) *Patrol vehicle operation.* Applicants shall successfully pass the patrol vehicle operation test required in the basic police training course at a certified school or by a certified instructor.

(4) Take a certification examination administered by the Commission at a location and time designated by the Commission. The schedule for the examinations may be obtained by writing the Commission office.

(i) The examination will be comprised of sections which shall coincide with each major topic in the basic training curriculum, but shall exclude those topics which can be proficiency tested only. See paragraph (3).

(ii) The minimum passing score for each tested section will be established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum passing score for each tested section changes.

(A) An applicant for a waiver of training who does not achieve a passing score in a tested area shall take the basic police training course corresponding to the failed examination section at a school certified by the Commission, in order to be permitted to retake the certification examination.

(B) Applicants will not be certified without obtaining a passing score on the certification examination.

(iii) Examination results shall be valid for 2 years. For applicants obtaining a passing score, no further examinations will be administered within this period.

§ 203.13. Certification as a municipal police officer.

(a) *General.*

(1) The Commission will supply written verification to the applicant's employing police department upon the applicant's completion of the Commission's requirements for certification as a police officer.

(2) Verification shall be valid only in the department identified on the document provided by the applicant. Upon termination of employment in a department, certification for that department shall be void and shall be returned to the Commission by the department.

(3) If the certification document has been lost or destroyed, a notarized statement shall be provided to the Commission concerning the certification.

(b) *Initial certification.*

(1) Initial certification is valid for 2 years from the date of issuance. The document provided by the Commission shall contain the dates of issuance and expiration in addition to a certification number for identification purposes.

(2) Upon receipt of certification a police officer is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code) and moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and to carry a firearm.

(c) *Renewal of certification.*

(1) The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirements set forth under § 203.52. (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide written notice to the Commission of all police officers who have successfully completed the mandatory in-service training course.

(2) Certification shall be renewed every 2 years.

§ 203.14. Revocation of certification.

(a) The Commission maintains the right to revoke certification after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings) for one or more of the following:

(1) Failure to maintain employment as a police officer under the act.

(2) Failure to maintain first aid or CPR certification.

(3) Failure to qualify with firearms as specified in the Commission newsletter.

(4) Failure to successfully complete annual mandatory in-service training as specified in the Commission newsletter.

(5) Physical or psychological impairment which renders the officer permanently unable to perform his duties.

(6) Conviction for a disqualifying criminal offense.

(7) Submission to the Commission of a document that the police officer knows contains false information including fraudulent application.

(8) A certification issued in error.

(9) Cheating.

(b) Under subsection (a)(1),(5) and (6), it shall be the responsibility of the head of the applicant's employing police department to provide written notice to the Commission of the following:

(1) An officer's termination of employment.

(2) An officer who has been determined to have a permanent physical or psychological condition which renders the officer unable to perform his duties.

(3) An officer's arrest for a disqualifying offense within 15 days from the date of arrest.

(c) Municipalities may request additional time for police officers to complete in-service training requirements by filing a show cause document with the Commission requesting additional time. These requests shall be filed on a form supplied by the Commission and considered by the Commission on a case-by-case basis.

§ 203.15. Application packet submission.

(a) *General.*

(1) Forms shall be original.

(2) Forms shall be typewritten.

(3) Signatures shall be original.

(b) *Application packets.* Application packets may be obtained by contacting the Commission at the Commission office. Each application packet shall include:

(1) One application form for certification. All questions shall be answered and the appropriate sections completed.

(2) Two fingerprint cards—one State Police Applicant Fingerprint Card and one FBI Applicant Fingerprint Card.

(i) Only fingerprint cards obtained from the Commission may be submitted with the application for certification.

(ii) The fingerprints of the applicant shall be affixed on the fingerprint cards.

(iii) Both fingerprint cards shall contain the contributor number PAPSP0100. Criminal fingerprint cards or fingerprint cards not containing the contributor number will not be accepted.

(3) One physical examination form.

(i) Physical examinations shall be performed by a licensed physician or osteopath as described in § 203.11(4) (relating to qualifications).

(ii) The physical examination form shall be submitted regardless of the results of the examination.

(iii) At the discretion of the hiring authority, a physical examination conducted in conjunction with police employment may be valid for 6 months and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior physical examination, a reexamination shall be necessary.

(4) One psychological evaluation form.

(i) Psychological evaluations shall be performed by a licensed psychologist as described in § 203.11(5).

(ii) The psychological evaluation form shall be submitted regardless of the results of the evaluation.

(iii) At the discretion of the hiring authority, a psychological evaluation specifically conducted in conjunction with police employment may be valid for 6 months and

may be used in support of any police employment application during that period. If a change in the applicant's psychological condition invalidates the prior psychological evaluation, a reevaluation shall be necessary.

(c) *Submission of packets.* Application packets shall be submitted by the head of the applicant's employing police department when an officer must attend basic police training or when a waiver of training is requested.

Subchapter C. SCHOOL REQUIREMENTS

Sec.

- 203.31. Eligibility for school certification.
- 203.32. Initial school certification procedure.
- 203.33. Minimum school standards and requirements.
- 203.34. School inspections.
- 203.35. Emergency suspension of school certification.
- 203.36. Revocation of school certification.

§ 203.31. Eligibility for school certification.

(a) The Commission will promote the most efficient and economical program for police training by utilizing existing facilities, programs, and qualified State, local and Federal police personnel. The Commission will determine the need for police training schools by:

- (1) Considering the police population in the area.
- (2) Determining if there is adequate police training available to support the police population.
- (b) Until the Commission determines that additional schools are required, only those schools in existence and Commission-certified on or before January 1, 1994, shall be eligible for Commission certification.

§ 203.32. Initial school certification procedure.

(a) If the Commission determines there is a demonstrated need for additional schools and programs for police training, applications for initial school and training course certification will be accepted from all potential schools.

(b) Schools applying for initial school and training course certification shall:

- (1) File an application for approval with the Commission on a form supplied by the Commission, which shall be signed by the school's director.
- (2) Meet the requirements in § 203.33 (relating to minimum school standards and requirements).

(c) Commission approval will be as follows:

(1) Upon receipt of an application, the Commission Chairperson will designate an inspection committee to inspect the facilities of those eligible entities applying for certification. The inspection committee shall prepare a report indicating which entities meet the minimum Commission standards. The report, along with all appropriate documentation, shall be presented to the Commission for final review.

(2) The Commission will review the application and inspection reports of the committee and certify those schools which meet the minimum standards of the act and this subchapter, and which promote the policy in § 203.31 (relating to eligibility for school certification).

(d) Certification of approved school and training course will be as follows:

(1) If the Commission determines that the application of the school and course complies with the act and this chapter, the Executive Director, in the name of the Commission, will affix a certification number to the approved application and the corresponding approval. This certification number will have the prefix MPS, for

municipal police school. The certification number will be issued Statewide in numerical sequence, starting with 0001.

(2) If the Commission determines that the school does not meet the requirements of the act and this chapter, the Executive Director will notify the school by certified mail, return receipt requested, of the reasons upon which the adverse determination is based under Subchapter G (relating to notice and hearings). The school may request a hearing regarding the determination in accordance with Subchapter G.

§ 203.33. Minimum school standards and requirements.

(a) Schools shall initially meet and subsequently maintain the following standards:

(1) Comply with applicable Federal, State or local statutes, and rules and regulations pertaining to the statutes and ordinances.

(2) School buildings shall comply with public safety standards in sections 1—14 of the act of April 27, 1927 (P. L. 465, No. 299)(35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

(3) A comfortable temperature and proper ventilation shall be maintained in all classrooms.

(4) Noise shall be controlled so that each student can hear all instruction.

(5) Smoking shall be prohibited in any training facility authorized, approved or funded by the Commission, except in Commission-approved outdoor smoking areas.

(6) Artificial lighting facilities shall provide an adequate light intensity in all rooms used for instructional purposes, dormitory or study facilities.

(7) The drinking water facilities shall conform to the requirements prescribed for the facilities by the governmental authority having jurisdiction.

(8) There shall be separate, properly ventilated toilet and lavatory facilities for males and females. There shall be a sufficient number of flush toilets for females and a sufficient number of urinals and flush toilets for males. Each toilet room shall have at least one lavatory.

(9) Provisions shall be made for separate mens' and womens' locker and shower facilities.

(10) The furniture, equipment and supplies of the school shall be of a type, quality and amount to meet with the approval of the Commission.

(11) Sufficient space shall be available in the classrooms.

(12) Dining facilities, cafeterias, kitchens, dormitory facilities and recreational facilities shall comply with the construction and maintenance requirements prescribed for the facilities by the governmental authority having jurisdiction.

(13) Each school shall have and use a suitable area adequate for conducting physical conditioning and defensive tactics in a safe manner. At a minimum, the facilities shall contain the following:

- (i) An Isokinetic weight machine.
- (ii) A measured running course.
- (iii) A minimum of 1 baton for every 2 students.
- (iv) A minimum of 1 pair of handcuffs for every 2 students.

- (v) A stopwatch or chronograph.
- (vi) A sit and reach flexibility evaluation station.
- (vii) Skinfold calipers or cloth tape to determine body fat.

(viii) Additional exercise equipment related to physical conditioning training which may include free weights, an exercycle, a rowing machine and boxing equipment.

- (ix) Other equipment required by the curriculum.

(14) An approved type of outdoor firing range shall be available to the school and used for firearms training. The range does not have to be a part of the school facilities; however, it shall have at least ten firing points with a minimum firing distance of 50 yards. The range shall be within a reasonable traveling distance from the school. The range shall present no apparent danger to the public as determined by the Commission inspector.

(i) The school shall ensure that weapons utilized in this portion of training are safe. A minimum of .38 caliber or .380 auto caliber with a capacity of at least 6 rounds of ammunition shall be required for firing.

(ii) A weapon may not be utilized during the training program that is not normally carried by police officers while on duty. At the discretion of the firearms instructor, students working for departments that utilize "exotic" or "unusual" weapons shall utilize a more conventional weapon for training purposes. Upon the student's successful completion of the training program, the student's employing police department shall also qualify the student with the weapon prior to assuming duties as a police officer.

(iii) The school can refuse to allow the use of a weapon that the firearms instructor determines to be unsafe, inadequate or not appropriate for police training.

(iv) The school shall maintain adequate supplies of common ammunition utilized in law enforcement handguns, shotguns and rifles for training programs.

(v) Schools may not permit participation in firearms training that violates 18 Pa.C.S. Chapter 61, Subchapter A (relating to Pennsylvania Uniform Firearms Act).

(vi) The school may not utilize students in a training program to reclaim lead from impact areas at any police firearms course, nor may students be involved in any range construction projects whereby they may be exposed to lead or other toxic substances.

(15) A sufficient number of parking spaces shall be available to accommodate the students, staff and visitors of the school whether at the firing range, classroom facilities or physical fitness facilities.

(16) Audio/visual equipment shall be available to present the curriculum prepared by the Commission. The equipment shall include:

- (i) A 16 mm movie projector.
- (ii) A 35 mm slide projector.
- (iii) Overhead transparency projector or Opaque overhead projector.
- (iv) Projection screens or another appropriate projection surface.
- (v) A video cassette player.
- (vi) Nineteen inch or larger color television monitors.
- (vii) A chalk board or equivalent.

(17) Equipment, facilities, supplies, books, and the like, shall be maintained in a safe and proper working condition.

(b) In addition to subsection (a), schools shall comply with the following requirements:

(1) Conduct at least one basic police training course every year the school is certified.

(2) Submit a training calendar to the Commission containing dates and class size for each basic training course to be conducted during the fiscal year. The calendar shall be received by the Commission by June 1st of each year.

(3) Develop course outlines and update as changes occur.

(4) Prepare and update class schedules.

(5) Establish a records management system as needed for the Commission records which shall consist of class rosters, attendance, academic grades, firearms scores, student critiques of course content and a list of instructors.

(6) Develop rules, including discipline, for student conduct, school operation and instructor standards.

(7) Develop and update detailed written standards for application procedures, including a statement about the maximum enrollment the school can accommodate within the standards established by the Commission.

(8) Prepare a current list of tuition charges for all students attending the basic training program.

(9) Utilize only certified instructors as described in Subchapter E (relating to instructor certifications).

(10) Prepare and update the roster of certified instructors and the areas of their certification.

(11) Prohibit instructors from teaching more than 180 hours of any one Basic Police Training Course.

(12) Prepare lesson plans and course outlines for each area of the curriculum using the basic training manuals provided by the Commission as source material. Lesson plans and course outlines shall be accessible in the classrooms to Commission inspectors and official visitors.

(13) Provide to the Commission a copy of tentative weekly class schedules, including dates, times, locations, instructors, subjects, and the like, by the first day of a basic training program. Changes to the schedule provided shall be submitted to the Commission as necessary.

(14) Comply with testing procedures prescribed by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter of the testing procedures and whenever they change.

(15) Obtain the required textbooks, supplemental textbooks, movies, videos, overhead transparencies, and the like, that are listed as necessary in the curriculum prepared by the Commission.

(16) Have instructors inform students taking the examination of the Commission cheating policy, prior to administering a written examination. See § 203.54 (relating to Commission cheating policy).

(c) Upon completion of the basic police training course, the school shall submit a roster of all students, including grades and Social Security numbers, to the Commission within 5 working days of the date of course completion. Under 20 U.S.C.A. § 1232(g) (The Buckley Amendment), personally identifiable information of a student may not

be disclosed by the school without the school first obtaining a written waiver from the student.

(d) A proposed change in the location of an approved school shall be reported to the Executive Director at least 30 days before the move.

(1) If a fire marshal or an inspector from the Department of Labor and Industry deems the new location satisfactory, the Executive Director may give tentative approval of the new location.

(2) After the new location has been visited by an inspection committee from the Commission, final approval for the move shall be voted upon by the Commission.

(3) If final approval is given for the new location, certification to conduct training at the previous location will automatically be rescinded.

§ 203.34. School inspections.

(a) *Frequency of inspections.*

(1) An initial inspection will be made of all schools that have applied for certification to conduct basic police training.

(2) The Commission's inspectors will visit and inspect each approved school at least once a year.

(3) Schools shall meet the minimum school standards in § 203.33 (relating to minimum school standards and requirements).

(b) *Commission inspectors.* For the purpose of school inspections, the following constitutes a Commission inspector:

(1) Any Commission member.

(2) A full time staff employee so designated by the Executive Director.

(3) Other contractual personnel employed by the Commission to conduct school inspections.

§ 203.35. Emergency suspension of school certification.

If a Commission inspector determines that a condition exists at a school which presents a clear and present danger to the public, students or staff of the school, the inspector, with the approval of the Executive Director, may immediately suspend the school's certification and cause all training to cease. In those situations:

(1) The school may correct the situation or request an administrative hearing as outlined in Subchapter G (relating to notice and hearings).

(2) Schools electing to correct the situation shall notify the Commission in writing by certified mail, return receipt requested, when the correction is complete. The Commission inspector will reinspect the facility to ensure compliance.

(3) Notice of results of the reinspection will verbally be provided to the school by the inspector after the inspection has concluded and in writing within 10 days of the reinspection.

§ 203.36. Revocation of school certification.

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), revoke the certification of a school for one of the following reasons:

(1) Failure to comply with the minimum school standards in this chapter.

(2) Submission of a known false or fraudulent document or allowing the submission of known false or fraudulent documents to the Commission.

(3) Subcontracting of police training to another non-certified entity.

(4) Failure to take corrective action after suspension under § 203.35 (relating to emergency suspension of school certification).

(5) Failure to conduct one basic police training course each year the school is certified.

Subchapter D. COURSE REQUIREMENTS

Sec.

203.51. Basic police training course curriculum.

203.52. Mandatory in-service training courses.

203.53. Nonmandatory in-service training courses.

203.54. Commission cheating policy.

§ 203.51. Basic police training course curriculum.

(a) The Commission will set the number of hours required in the basic police training course. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the number of hours required in the basic police training course changes.

(b) The Commission reserves the right to determine the course content of each area as needed. The basic police training course curriculum shall include instruction in at least the following areas:

- (1) Pennsylvania criminal law.
- (2) Pennsylvania Rules of Criminal Procedure.
- (3) Pennsylvania Vehicle Code.
- (4) Antisocial behavior.
- (5) Professional relations.
- (6) Physical conditioning.
- (7) Human relations skills.
- (8) Application of force.
- (9) Firearms training.
- (10) Patrol procedures and operations.
- (11) Investigations.
- (12) Communications.
- (13) Handling violent and dangerous people.
- (14) Custody.
- (15) First aid and CPR.
- (16) Operation of patrol vehicle.
- (17) Other subjects the Commission deems necessary.

§ 203.52. Mandatory in-service training courses.

(a) Mandatory in-service training is required of all police officers.

(b) Mandatory in-service training shall consist of continuous in-service requirements and academic in-service requirements.

(1) Continuous in-service requirements shall consist of the following:

(i) Annual qualification on a police firearms course with any firearms, shotguns, or rifles authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon. A weapon may not be carried on duty for which an officer is not qualified.

(ii) Maintenance of a first aid and CPR certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(2) Academic in-service requirements shall consist of at least 12 hours of annual training as determined yearly by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter regarding the course content and specific hours.

(c) Mandatory in-service administration shall consist of the following:

(1) An applicant for instructor in the mandatory in-service training program shall meet the requirements of § 203.72(b) (relating to certification requirements).

(2) Each school shall submit a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Included in the calendar shall be: course title, dates of training, time of classes and location.

(3) Maximum class size for mandatory in-service courses shall be established by the Commission and based on course content.

(4) Mandatory in-service training courses are subject to inspection by a Commission inspector.

(i) Certification of instructors may be withdrawn after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings), for one or more of the following reasons:

(A) Failing to present the full program.

(B) Teaching improper or incorrect material or not presenting the Commission program.

(C) Cheating.

(D) Inadequate preparation for class.

(E) Being intoxicated in class.

(F) Using inappropriate language.

(ii) Withdrawal of mandatory in-service instructor certification by a Commission inspector shall be reviewed by the Commission and the instructor's certification may be subject to revocation by the Commission under § 203.73 (relating to revocation of instructor certification).

(iii) Classes may be suspended immediately during an inspection by a Commission inspector for cause. Costs for classes suspended during an inspection for cause will not be paid by the Commission.

(5) Acceptance into classes for which reimbursement is to be requested from the Commission shall be limited to currently employed police officers and county detectives. A fee may not be charged to these individuals for any program paid for by the Commission.

(6) Only examinations provided by the Commission shall be used to determine successful completion of academic requirements for these courses. Minimum passing scores shall be determined by the Commission for each examination. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum passing scores required in the basic training course changes.

(7) An individual failing to pass the examination to be administered at the end of a course shall be given the opportunity for reexamination by the course instructor. The reexamination process shall consist of a review of course objectives, content and course summary, prior to an orally administered reexamination utilizing a different

examination from the failed examination. If an individual fails the reexamination, a written notice of failure shall immediately be sent by certified mail, return receipt requested, to the employing municipality. An individual failing both the examination, and the reexamination for a course, shall be permitted to participate in another offering of the course, if the individual continues to be a currently employed police officer.

(8) The certified school, and the course instructors, will be held responsible by the Commission for proper administration of in-service training courses, including maintenance of proper examination security.

(9) Newly certified police officers may not be required to participate in the mandatory in-service training courses in the year they were certified.

(10) Municipalities may request extensions of time from the Commission for officers unable to complete in-service training enumerated within the time frame. The request shall be filed with the Commission and include justification for the extension.

§ 203.53. Nonmandatory in-service training courses.

(a) A political subdivision of the Commonwealth may apply for in-service training grants for the actual expenses of providing nonmandatory in-service training programs to police officers. A political subdivision may apply for a nonmandatory in-service training grant by filing an application and resolution with the Commission.

(1) A copy of the application and resolution may be obtained from the Commission.

(2) The Commission will only consider requests for nonmandatory in-service training grants that comply with the following:

(i) All sections of the application shall be completed.

(ii) The application shall be accompanied by a certified copy of the resolution. The resolution shall be adopted by the governing body and shall provide that the political subdivision will adhere to the standards for training established by the Commission while receiving any Commonwealth funds under the act and this subchapter.

(3) Applications and resolutions shall be filed with the Commission and received at least 45 days prior to the commencement of the proposed training program. The Commission, or its Executive Director, has the discretion to waive the 45-day filing limitation for good cause, but only if the grant request was submitted prior to the commencement of the proposed training program.

(b) Limitations for funding of nonmandatory in-service training programs are as follows:

(1) Only courses approved by the Commission will be eligible for nonmandatory in-service training grants.

(i) The Commission has the discretion to approve or disapprove any proposed course, based upon law enforcement requirements.

(ii) Approved courses will be published in the Commission newsletter.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. However, at the discretion of the Executive Director or by a majority vote of the In-Service Training Committee (Committee), a different minimum or maximum enrollment may be established for a specific course.

(3) Nonmandatory in-service training grant requests will not be approved unless the instructors for the course are approved by the Commission or the Committee.

(4) The Commission will not approve nonmandatory in-service training grant requests for the following:

- (i) Firearms qualification.
- (ii) Special Weapons and Tactics (SWAT type training).
- (iii) First aid and CPR training.

(c) Nonmandatory in-service training grant requests in the amount of \$3,000 or less may be approved by the Commission's Committee. The Committee will be appointed by the Commission chairperson and consist of five Commission members including a designated chairperson of the Committee.

(1) The Committee chairperson has the authority to convene a Committee meeting for reviewing grant requests. The Committee may not act on any grant request unless at least three Committee members are present at the meeting.

(2) The Committee members will vote to either approve or deny each grant request based on the information presented and the standards established by this chapter. In the case of a tie vote by the Committee, the Commission will make the final determination on the grant request.

(3) The Committee chairperson will formally report actions taken by the Committee at the next regularly scheduled Commission meeting.

(d) Nonmandatory in-service grant requests in excess of \$3,000 may be approved only by the Commission. The In-Service Training Committee will review every request and make a recommendation to the Commission.

(1) The chairperson of the Committee will formally report the recommendation of the Committee, including any dissenting or minority statements, to the Commission prior to the Commission's final decision on the grant request.

(2) The Commission members will vote to either approve or deny each grant request based on the Committee's recommendations, the information presented and the standards established by this chapter.

(e) The Executive Director will notify the political subdivision in writing of the Commission's determination concerning the grant request. Notice will be forwarded to the requesting political subdivision by certified mail, return receipt requested.

§ 203.54. Commission cheating policy.

(a) An individual observed cheating shall be barred from further participation in any Commission-required training. Individuals will receive notice and have an opportunity to be heard under Subchapter G (relating to notice and hearings).

(b) A written notice of the cheating incident shall immediately be sent to the individual's employing municipality by the school, with a copy forwarded to the Commission and the individual.

(c) Prior to administering a written examination, the instructors shall inform the students taking the examination of the Commission cheating policy.

Subchapter E. INSTRUCTOR CERTIFICATIONS

- Sec.
203.71. General.
203.72. Certification requirements.
203.73. Revocation of instructor certification.

§ 203.71. General.

(a) Certifications will be approved by the Commission and issued by the Executive Director.

(b) Instructor certifications issued under this chapter are for the sole purpose of identifying those qualified to teach in a police training course—basic or mandatory in-service—certified by the Commission.

(c) The instructor application procedure is as follows:

(1) Application for instructor certification shall be made on a form supplied by the Commission. The form may be obtained by writing to the Commission office.

(2) Application for instructor certification shall be submitted by the Director of a school certified by the Commission. Individual instructors may not apply on their own behalf. Applications may be made only for individuals teaching at a certified school.

(3) Documentary proof shall accompany each application verifying satisfaction of the requirements for certification including required degrees contained under § 203.72 (relating to certification requirements).

(4) Applicants shall be interviewed by the director of the school at which time the director shall review the supporting documentation to be submitted with the application and the director shall so indicate on the application.

(5) The application shall be notarized.

(6) Applicants may not have been convicted of a disqualifying criminal offense.

§ 203.72. Certification requirements.

(a) *Basic police training instructors.*

(1) *Types.* The Commission will certify the following two types of instructors for basic police training:

(i) *General instructors.* An instructor eligible to teach any course other than first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(ii) *Special instructors.* An instructor eligible to teach first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(2) *Qualifications.*

(i) Attorneys licensed to practice in this Commonwealth or other instructors for topic areas that require professional education or licensure, need not meet the following requirements concerning police experience. To obtain certification as a general instructor, an applicant shall satisfy the following requirements:

(A) Successfully complete a Commission approved instructor development course, or possess a teaching certificate issued by the Department of Education, or have full-time employment with academic rank at an accredited college or university.

(B) Have 5 years police experience, or have an associate of arts degree and 4 years police experience, or have a bachelor of arts degree and 3 years police experience. Copies of degrees shall be accompanied by transcripts.

(ii) To obtain certification as a special instructor in one of the courses listed in this subparagraph, an applicant shall provide documentation evidencing the special requirements listed for each course:

(A) *First aid and CPR.* Possess a current instructor certification issued by the American Red Cross, the

American Heart Association, the Department of Health or other agency approved by the Department of Health. (40 hour curriculum)

(B) *Firearms.* Possess a current Police Firearms Instructor rating from the National Rifle Association, the State Police, the Federal Bureau of Investigation, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service or other certification approved by the Commission.

(C) *Physical conditioning.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a physical conditioning instructor.

(D) *Application of force.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a defensive tactics instructor.

(E) *Patrol vehicle operation.* Provide documentation of successful completion of an instructor development course and an instructor's course in emergency vehicle operation or police driver proficiency.

(3) *Renewal and lapse of basic police training instructor certification.*

(i) Basic police training instructor certification shall be valid for 2 years and each certificate shall contain an expiration date. An instructor may not be permitted to teach without a current certificate.

(ii) Renewal of basic police training instructor certification shall be effected automatically by the Commission if the certified instructor has satisfied the following requirements:

(A) Has taught in either a basic training course or a mandatory in-service training course certified by the Commission at least one time during the 2-year period they are certified, as evidenced by the records of a certified school which shall be submitted to the Commission on an annual basis.

(B) Maintained current qualifications in the main subject areas for which certification has been granted, and provides documentation of these qualifications to the Commission.

(iii) Failure to satisfy subparagraph (ii) shall prevent renewal of the instructor certification and cause the certification to expire. A lapsed certification may not be renewed and to regain certification, the school shall submit an application on behalf of the individual as a new instructor.

(b) *Mandatory in-service training instructor qualifications.* To obtain certification as a mandatory in-service training instructor, an applicant shall:

(1) Be employed by a certified basic training school.

(2) Be certified as a basic police training instructor in the area of instruction they will present, or satisfy one of the following:

(i) If not currently a basic police training certified instructor but eligible for certification, an application for certification shall be submitted to the Commission and a temporary certificate obtained. At the discretion of the Executive Director, a temporary certification may be issued which is valid for 6 months. Temporary certificates are not renewable.

(ii) When courses are offered in mandatory in-service training that are not available in the basic police training

course, the Commission will determine requirements for selections as an instructor in the program.

(3) Have attended Commission instructor training programs for the courses in which certification is sought. Application for certification as a basic police training instructor shall be submitted to the Commission prior to attending any instructor training programs.

§ 203.73. Revocation of instructor certification.

The Commission may revoke an instructor certification for one or more of the following reasons after notice and opportunity to be heard under Subchapter G (relating to notice and hearings):

(1) Conviction of a disqualifying criminal offense.

(2) Conduct which reflects unfavorably upon a certified school or the Commission.

(3) Evidence of inability to instruct, including the conditions enumerated in § 203.52(c)(4)(i) (relating to mandatory in-service training courses).

(4) Knowing falsification of a document submitted to the Commission or submission to the Commission of a document knowing it to be false. False documents include: scores on examinations, grades for a course, classroom hours presented, attendance of participants, or other information received directly from the instructor or through a certified school or police department.

(5) Assisting a student to cheat in a Commission training course.

(6) Use of instructor certification for an unauthorized purpose.

(7) Termination for any reason of the instructor by a certified school.

Subchapter F. REIMBURSEMENT OF EXPENSES

Sec.

203.81. Basic training.

203.82. Mandatory in-service training.

203.83. Grants for nonmandatory in-service training programs.

§ 203.81. Basic training.

(a) The Commission will reimburse each political subdivision for allowable tuition and expenses incurred by their police officers while attending certified basic police training, if the political subdivision adheres to the training standards established by the Commission. Application for reimbursement shall be made in the following manner:

(1) A political subdivision shall file an application with the Commission on a form supplied by the Commission within 120 days of the completion of the training.

(i) Requests submitted after 120 days shall be accompanied by a justification for late submission. The Commission will not consider requests for reimbursement received more than 1 year after the completion of the training.

(ii) A separate form shall be submitted for each police officer requesting reimbursement in accordance with this chapter.

(2) Following the political subdivision's annual audit, the head of the political subdivision and the individual performing the audit shall verify the proper expenditure of Commission funds.

(i) Verification shall be provided on a form supplied by the Commission.

(ii) The verification shall be filed with the Commission.

(iii) The political subdivision shall file the form only for fiscal years in which Commission funding was provided.

(b) The political subdivision may request reimbursement for the following:

(1) Sixty percent of the police officer's regular salary while attending a certified basic training course.

(2) Reasonable tuition for the basic police training course.

(i) The Commission must approve the tuition rate prior to reimbursement. Tuition rate approval will require a majority vote of the Commission.

(ii) The Commission will consider the reasonableness of the tuition rate based on the following:

(A) The length of the course.

(B) The instructor salaries.

(C) The facility costs.

(D) The administrative costs.

(E) The supply costs.

(F) The cost-effectiveness of the tuition compared with tuition charged by other institutions.

(iii) The Commission-approved tuition rate is the only amount a certified school may charge a participant in the training program.

(iv) A certified basic police training school may not change its tuition rate for a particular course without prior approval from the Commission.

(A) Requests for tuition increases will not be considered by the Commission more than once every 2 years.

(B) Requests for tuition increases shall enumerate all sources of revenue the institution receives.

(C) The Commission will consider any tuition increase requests in conjunction with program changes mandated by the Commission.

(3) The Commission will reimburse all reasonable subsistence and lodging costs for police officers who are not commuting to and from the basic police training course. A police officer who is commuting to and from the basic police training course will only be reimbursed for the cost of lunch.

(4) Reasonable travel expenses are as follows:

(i) The Commission will reimburse for police officers commuting to the basic police training course for the mileage incurred while attending the course.

(ii) Noncommuters are eligible for mileage of one round trip while attending the course.

(iii) Mileage reimbursement, whether for commuters or noncommuters, will only be allowed to the nearest available certified basic police training school from the police officer's place of employment.

(iv) Travel shall be by the most direct route.

(5) Reasonable living and travel expenses shall be governed by 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(c) Limitations on reimbursement are as follows:

(1) A political subdivision may not be reimbursed for the basic training of a police officer if reimbursement has previously been made or claimed for the same police officer by a political subdivision.

(2) A police officer who does not successfully complete the certified basic police training course and for whom reimbursement has been claimed or obtained by a political subdivision is not eligible for additional reimbursement while attending a subsequent basic police training course.

(d) If the Commission determines that a request for reimbursement does not meet the requirements of the act and this chapter, the Executive Director will specify in writing and forward to the requesting political subdivision, by certified mail, return receipt requested, the reasons for the Commission action.

§ 203.82. Mandatory in-service training.

(a) The Commission will reimburse all schools certified by the Commission or other training resources deemed necessary by the Commission only in the form of tuition.

(1) The Commission will establish the tuition for each course considering the following factors: historical training costs, course requirements, and course development costs.

(2) The tuition established by the Commission will be published in the Commission newsletter and will remain in effect for the duration of each course.

(3) The tuition established by the Commission for each course shall apply to all schools certified by the Commission and all other training resources deemed necessary by the Commission.

(4) Certified schools or other training resources unable to conduct the required training at the established tuition rate shall have the right to a hearing under Subchapter G (relating to notice and hearings).

(b) The Commission will reimburse schools or other training resources for law enforcement officers authorized by the Commission. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend mandatory in-service training courses after the law enforcement agency pays the tuition to the Commission.

(c) The Commission will only reimburse a school or other training resource for a police officer to attend a course one time. Invoices of all police officers who have attended the mandatory in-service training course shall be submitted to the Commission within 30 days of the course's completion.

§ 203.83. Grants for nonmandatory in-service training programs.

(a) The Commission will provide grants only for actual expenses incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

(1) Allowable nonmandatory in-service training expenses shall be limited to the following:

(i) *Instructors.* Reasonable expenditures.

(ii) *Services.* Reasonable expenditures for rental and contractual services.

(iii) *Supplies.* Expenditure for necessary supplies for course instruction not including nonexpendable equipment purchases.

(iv) *Administration.* Reasonable expenditures for developing and implementing the training program. This ex-

penditure will not exceed 5% of the total grant amount unless otherwise approved by the Commission or In-Service Training Committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission has the discretion to approve additional expenditures not explicitly provided for in this chapter. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program.

(b) The Commission has the authority to establish the maximum amount of funds which may be granted to each county for providing nonmandatory in-service training to police officers. The allocation will be based on the number of police officers employed in the county.

(c) The Commission will disburse moneys approved for nonmandatory in-service training grants in the following manner:

(1) The Commission will disburse one half of the grant to the political subdivision within 45 days of the Commission's approval, except for good cause.

(2) To receive the remaining grant moneys, the political subdivision shall submit a final audit and course roster to the Commission within 120 days following the conclusion of the training course. Requests for reimbursement will not be considered after 120 days following the conclusion of the training course.

(3) The Commission has the discretion to request an independent audit of the political subdivision to verify its actual nonmandatory training expenditures prior to disbursing the remaining grant amount.

(d) Nonmandatory in-service training grant funds that have been disbursed to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement shall immediately be returned to the Commission. A political subdivision which fails to comply with the Commission's demand for the return of funds in accordance with this section shall be ineligible for further funding from the Commission until the funds are returned.

(e) The allocation of grants for nonmandatory in-service training programs shall be contingent upon the availability of funds appropriated for the programs.

Subchapter G. NOTICE AND HEARINGS

Sec.
203.101. Scope.
203.102. Notice.
203.103. Hearing procedures.

§ 203.101. Scope.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the proceedings of the Commission unless it is inconsistent with this subchapter.

§ 203.102. Notice.

(a) The Commission will forward in writing by certified mail, return receipt requested, the individual or school adversely affected by an action of the Commission, a notice specifying the reasons for the Commission action.

(b) An individual or school given notice of an adverse action by the Commission may file a written request for a hearing within 15 days after receipt of the notice. The date of receipt of the request by the Commission and not the date of deposit in the mails is determinative of a timely request for a hearing.

§ 203.103. Hearing procedures.

(a) The Commission will schedule a hearing and send notice of the hearing to all parties to the proceedings. Unless another location is designated by the Commission, the Commission will hold hearings at its offices in Hershey, Pennsylvania.

(b) A hearing examiner will be appointed by a majority vote of the Commission to preside at the hearing.

(c) The Commission will review the hearing examiner's recommendation, findings of fact and conclusions of law, and by a majority vote issue a final order. The Commission will specify in writing and forward to all relevant parties by certified mail, return receipt requested, the final order of the Commission.

(d) Subsections (b) and (c) supplement 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers) and 1 Pa. Code § 35.226 (relating to final orders).

(e) A proposed report will not be deemed a final order if a brief on exceptions is not filed. This subchapter supersedes 1 Pa. Code § 35.213 (relating to effect of failure to except to proposed report) and any references thereto.

[Pa.B. Doc. No. 96-2138. Filed for public inspection December 20, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51 AND 53]

Administration and Commission Property

The Fish and Boat Commission (Commission) proposes to amend Chapters 51 and 53 (relating to administrative provisions; and Commission property). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to administration and Commission property.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect upon publication of an order adopting the regulations.

B. Contact Person

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 741 and 2711 of the code (relating to control of property; and issuing agents).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to issuing agents and Commission property. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Chapter 51, Subchapter D (relating to issuing agents).* The Commission issues a *Handbook for License Issuing Agents* that is distributed at the beginning of each license year. This handbook details procedures to be followed in the performance of an agency's responsibilities and is based on the code, the Commission's regulations and the experience gained by selling licenses over the years. The handbook also contains operational suggestions and highlights penalties that may be imposed for noncompliance with the code and the regulations promulgated thereunder. Sections 51.31—51.33 (relating to responsibility of issuing agents; resident and nonresident licenses; and effective date of fishing licenses and trout/salmon permits) currently address certain aspects of an issuing agency, including responsibilities, resident versus nonresident status and the effective dates of licenses. However, a considerable portion of the Commission's requirements of an issuing agency as detailed in the handbook has not been adopted by the Commission as regulations. The result is a body of requirements absent the effect of law. The Commission therefore proposes regulations adopting the procedures in the handbook. This will provide remedies to the Commission for noncompliance that are not now available to it.

2) *Section 53.4 (relating to closed areas and hours).* The Commission owns and operates fish culture stations, boating access areas, administrative facilities and other property. Some of the property is open for general public use; other properties are production or other facilities to which public access may be limited. This is ordinarily handled by use of signs or other means at the facilities. On rare occasions, persons enter or remain upon Commission property and disrupt ordinary operations. In these cases, the Executive Director should have the authority to issue a letter or order barring the person from entering or remaining on the property in question. Managers of Federal installations have similar authority, and it works well in the handful of episodes where specific individuals cause persistent problems at specific facilities. The Commission proposes to amend its property regulations by adding a new subsection to § 53.4 to give the Executive Director this authority.

3) *Section 53.11 (relating to off-highway vehicles and snowmobiles).* The section, as currently written, requires that the permit application include a statement from a physician licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section. One applicant has suggested that the Commission also accept certification from licensed chiropractors as well as medical doctors. Staff already have interpreted this section this way in light of court precedent and the practices of other State agencies. In addition, clarification is needed regarding what qualifies as an off-road motorized vehicle. One application for a permit described the off-road motorized vehicle as a Ford Ranger 4x4 Truck; another described it as a golf cart or car or whatever is available. The Commission proposed to amend this section to address these concerns.

F. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

G. Paperwork

Under the *Handbook for License Issuing Agents*, issuing agents are already subject to certain reporting requirements. The proposed amendments relating to issuing agents accordingly will not increase paperwork and will create no new paperwork requirements. The other proposed amendments similarly will not increase paperwork and will create no new paperwork requirements.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-60. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter D. ISSUING AGENTS

§ 51.31. Responsibility of issuing agents.

(a) Issuing agents [**shall be**] are responsible to insure that the fishing license application is fully completed by the applicant. **The issuing agent may assist the applicant in completing the application, but the applicant shall sign his own name or place his mark in the place indicated on the application.**

(b) Issuing agents shall verify the eligibility of the applicant for the class of license indicated on the application under § 51.32 (relating to resident and nonresident licenses). Issuing agents shall notate on the application the type of proof that the applicant provided to demonstrate resident status.

(c) The issuing agent shall transfer the information from the application to the license certificate, assuring that the information can be easily read. Information on the license certificate shall agree with the application and shall be typed or printed in ink.

(d) Agents shall use standard abbreviations supplied by the Commission for color of hair and color of eyes.

(e) Each license shall bear the account number of the issuing agent and the signature or initials of the person issuing the license.

(f) Issuing agents shall issue licenses in sequence.

(g) Issuing agents shall provide the book *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall provide a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License who requests one. Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.

§ 51.32. Resident and nonresident licenses.

(a) Only bona fide residents of this Commonwealth who establish their resident status by producing a **Pennsylvania** motor vehicle driver's license or other positive means of identification are entitled to **one of the various forms of** a resident fishing license.

(1) Other positive means of identification for establishing bona fide residence in this Commonwealth include, **[but are not limited to: motor vehicle registration showing residence address in Pennsylvania; boat registration showing residence address in Pennsylvania;]** proof of payment of Pennsylvania personal income tax as a resident of Pennsylvania; proof of payment of **[local wage,]** earned income, **[personal property,]** **Personal Income Tax** or per capita **[or occupation]** taxes showing residence in a Pennsylvania municipality; resident hunting license; and **Pennsylvania nondriver identification card.**

* * * * *

(d) A Senior Resident Lifetime Fishing License is valid only so long as the holder is a bona fide resident of this Commonwealth. A holder of a Se-

nior Resident Lifetime Fishing License who establishes residence in another state and continues to fish in this Commonwealth without purchasing a Nonresident Fishing License may be charged with violating sections 923(c) and 2703 of the code (relating to additional penalty for fishing without license; and possession and display of licenses).

§ 51.33. Effective [**date**] dates of [**filing**] licenses and [**trout/salmon**] permits.

Fishing licenses and **permits, such as** trout/salmon permits, are valid for the year printed on the license **certificate** or stamp and the month of December [**in**] of the [**prior**] preceding year, **except for tourist licenses that are valid for the dates specified on the license certificate.**

§ 51.34. Stamps and permits.

(a) The Commission may require licensees to possess stamps or permits to fish for certain species or in certain bodies of water. It is not necessary for the purchaser of a stamp or permit to complete an application.

(b) Individuals who purchase the stamp or permit to fish for the specified species or in designated bodies of water shall permanently affix the stamp or permit to their license certificate, sign their names (or in the instance of small stamps or permits, their initials) in ink across the face of the stamp or permit and display the stamped or permitted license certificate when fishing for the specified species or on the designated body of water. The buyer is not required to affix the stamp or permit on the license certificate until he actually engages in the stamped or permitted activity.

(c) Issuing agents shall make stamps and permits available to individuals purchasing them as collectibles. An application is not required, and the buyer does not have to sign the stamp or permit.

§ 51.35. Operation of the issuing agency.

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses. The Commission will not consider an application unless it is accompanied by a bond in favor of the Commission in a minimum amount specified by the Commission.

(b) An entity accepted by the Commission to act as an issuing agent shall perform in the following manner:

(1) An issuing agent, including county treasurers, may not appoint subagents to issue fishing licenses, stamps or permits.

(2) Issuing agents shall file monthly reports of the fishing licenses, stamps and permits sold during the month in the manner determined by the Commission. Agents may file reports more frequently at the discretion of the agent.

(i) Agents shall include in their monthly report detailed sales information and remittance for the licenses, stamps and permits sold during the reporting period.

(ii) Agents shall file the reports so that they are received in the Harrisburg office by the 15th of the month following the reportable month.

(iii) Agents shall file a report even if there is no sales activity to report for the month. Failure to file a report places the agency in a delinquent status.

(iv) Agents shall indicate their agent number on the report, as well as the remittance.

(3) Issuing agents shall retain the third copy of the license certificate and the original application for 1 year after the close of any given license year.

(4) Issuing agents shall maintain a bond in favor of the Commission in a minimum amount specified by the Commission for each location where licenses, stamps and permits are issued.

(5) An issuing agent may not borrow, lend or otherwise transfer a supply of licenses, stamps or permits to another agent without the prior written consent of the Commission.

§ 51.36. Lost license certificates.

(a) An issuing agent shall replace a lost license regardless of where the licensee purchased the original license.

(b) If a licensee seeks to purchase a replacement license at the agency where he bought the original license, the licensee shall present the original license number and complete the form provided by the Commission relating to the lost license certificate. If the original license number is not known, the form shall be notarized.

(c) If a licensee seeks to purchase a replacement license at an agency other than the agency where he bought the original license, the licensee shall complete the form provided by the Commission relating to the lost license certificate and have it notarized.

(d) The issuing agent shall write the word "DUPLICATE" and the original number, if known, across the face of the replacement license certificate.

(e) The issuing agent shall attach to the monthly report the form relating to the lost license certificate, any voided license certificate and the original and duplicate of the license certificate. The issuing agent shall record the certificate number in the body of the report.

CHAPTER 53. COMMISSION PROPERTY

§ 53.4. [Closed areas and hours] Limiting access to Commission property.

(a) Commission-owned or -controlled property may be closed to the public during hours as the Executive Director may direct. It is unlawful for any person to enter or remain upon the property during the times it is closed to public use, without the express written consent of the Executive Director or [his] a designee.

(b) The Executive Director or a designee may issue an order barring any person from entering or remaining upon a named Commission property when the Executive Director finds that the presence of the person on Commission property constitutes a substantial disruption of Commission operations or a reasonable threat to the health and safety of Commission personnel or other persons who are engaged in other lawful uses of the property. Orders issued under this subsection may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).

§ 53.11. Off-highway vehicles and snowmobiles.

(a) *General rule.* Except as provided in subsection (c), the use of motorized vehicles which are not registered and which are capable of off-highway use, including trail bikes, Tote Gotes, [Land Rovers, Jeeps,] ATVs and the like, is prohibited on Commission-owned or -controlled property.

* * * * *

(c) *Persons with disabilities.*

* * * * *

(2) *Other motorized vehicles.* The Executive Director or a designee may permit persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) and persons who are deprived of the use of a leg or both legs in a manner that significantly limits mobility to use an off-road motorized vehicle on Commission property for the purpose of gaining access to fishing or boating opportunities under the following conditions:

(i) The person applies in writing for permission stating the nature of the disability, the description of the vehicle and the areas for which use is proposed. The application should be sent to: Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000. The application shall include a statement from a physician or a chiropractor licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section.

* * * * *

(3) As used in this subsection, the term, "off-road motorized vehicle," means a motorized vehicle specifically designed for this use. The term does not include a vehicle licensed or registered for on-road use, such as a 4 by 4 sport utility vehicles and the like.

[Pa.B. Doc. No. 96-2139. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CHS. 91, 97, 99, 111 AND 115]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 91, 97, 99, 111 and 115. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate with boating.

A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting these amendments, whichever comes later.

B. *Contact Person*

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. *Statutory Authority*

These proposed amendments are published under the statutory authority of sections 5123 and 5124 of the code (relating to general boating regulations; and particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations on boating. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

1) *Section 91.2(b) (relating to definitions)*. The regulations require that all boats display running lights (red/green side lights and a white stern light) while underway at night and during periods of limited visibility. Boats at anchor are required to display an anchor light (an all around white light). There appears to be some confusion by the public concerning when a boat is underway and when it is not. The Commission proposes to add a definition of "underway," as set forth in the *Navigation Rules* published by the United States Coast Guard.

2) *Section 91.5 (relating to parental and boat owner responsibility)*. The regulations currently place requirements on young boaters, including the prohibition against the operation of boats powered by motors in excess of 10 horsepower. See § 91.4 (relating to age of operator). Enforcement generally is not an issue, but in certain instances where more than a warning is needed, an enforcement officer's only recourse is to issue a citation to the youthful operator. In many cases where a law enforcement response in excess of a warning is required, it would be preferable to proceed against the adult parent or guardian or boat owner who allowed the child to violate the regulation. This change would place the responsibility on the owner of the boat or the parent or guardian to assure compliance with the regulations.

3) *Section 91.6 (relating to certificates)*. Certain regulations, for example § 91.4(b), require that certain boat operators obtain Boating Safety Certificates before operating a motorboat. When adopted, the intent of the regulations was to ensure that operators have sufficient knowledge to operate a boat. While implied, the regulations do not require that operators carry this certificate or show it to a law enforcement officer. This creates somewhat of a problem in that operators can state that they have a certificate but the officer cannot demand proof. The Commission proposes to add a new section that would place a general requirement that any certificate required by the code be carried and produced when requested by an enforcement officer.

4) *Section 97.1(h) and (i) (relating to personal flotation devices)*. The term "open waters" as used in subsection (h) is not defined or described anywhere in the regulations. Nor is the term defined in the *Navigation Rules* or in *Chapman's Piloting*. Some individuals have interpreted this term as referring only to larger waters, such as Lake Erie, Raystown or other big lakes. So that this subsection is not misinterpreted, the Commission proposes to amend the regulation to delete the phrase "on open waters." The Commission also proposes to add language to subsection (h) that would allow a law enforcement officer to proceed against the operator of a boat who does not cause a child 12 years of age or younger to wear a personal flotation device as required by this section. Although enforcement generally is not an issue, there are certain instances where more than a warning is needed and an enforcement officer's issuance of a citation to the child is not desirable. In addition, the Commission proposes to delete subsection (i) because on May 1, 1996, its provisions became obsolete.

5) *Section 99.1(b) (relating to boats requiring capacity plates)*. The Commission has received numerous tele-

phone calls questioning the requirement for a capacity plate on pontoon boats. To eliminate any confusion that a pontoon boat does not require a capacity plate, the Commission proposes to amend this section to exempt specifically pontoon boats.

6) *Section 111.31(c) (relating to Huntingdon County)*. Perez Lake, located in Barree Township, Huntingdon County, is owned and operated by Penn State University and is classified as an approved trout water. The lake is also open to public fishing. The University has established its own property regulations on Perez Lake. One of the University regulations is that only nonpowered and electric-powered boats are permitted on the lake. Because this regulation is solely a University property regulation, the Commission's enforcement officers cannot enforce it under the code. The Commission proposes to amend this section to add a new subsection that prohibits the operation of boats powered by internal combustion motors on Perez Lake.

7) *Section 115.11 (relating to personal flotation devices)*. The current regulations permit the carriage and use of Type I and Type II personal flotation devices (PFDs) on passenger carrying vessels. This restriction is based on the better performance characteristics of these devices. Other generally approved PFDs have less buoyancy and may not perform as well in certain circumstances. The problem is that Type I and II PFDs are also more uncomfortable to wear. The Commission has been encouraging boaters to wear PFDs. Type III and V PFDs are much more wearable and would be a better choice than Type I and Type II devices on this Commonwealth's inland waters yet cannot be used on passenger for hire boats. The Commission therefore proposes that the regulation be amended to allow the use of Type III and Type V PFDs on boats carrying passengers for hire.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-59. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.2. Definitions.

(a) * * *

(b) The term "underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

§ 91.5. Parental and boat owner responsibility.

(a) It is unlawful for the owner of a boat knowingly to allow or permit a child 17 years of age or younger to operate a watercraft in violation of this subpart.

(b) It is unlawful for a parent or guardian of a child 17 years of age or younger knowingly to allow or permit the child to operate a watercraft in violation of this subpart.

§ 91.6. Certificates.

A certificate, license or other document required under this subpart or the code shall be carried when the boat is in operation and shall be carried so that it can be handed to an officer authorized to enforce this subpart.

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.1 Personal flotation devices.

* * * * *

(h) Children 12 years of age and younger shall wear an approved Type I, II, III or V PFD while underway [on open waters] on any boat 20['] feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

[(i) Exemptions to this section are as follows:

(1) Prior to May 1, 1995, a Type IV PFD may be carried in lieu of any Type PFD required under subsection (a) for each person on a boat which is less than 16 feet in length.

(2) Prior to May 1, 1996, a Type IV PFD may be carried in lieu of any Type PFD required under subsection (a) for each person on the boat if the boat is:

(i) Leased or rented to another for the latter's pleasure as part of a livery or rental business.

(ii) Manually propelled.]

CHAPTER 99. CAPACITY PLATES

§ 99.1. Boats requiring capacity plates.

* * * * *

(b) [Canoes.] Pontoon boats, canoes, sailboats, kayaks, inflatables, hydroplanes, personal watercraft and boats considered by the Commission to be of unusual or unique design are exempt from this chapter.

* * * * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.31. Huntingdon County.

* * * * *

(c) *Perez Lake*. The operation of boats powered by internal combustion motors is prohibited.

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [Type I or Type II] Type I, II, III or V personal flotation devices to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of

the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 96-2140. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) proposes to adopt Chapter 93 (relating to registration and numbering). The Commission is publishing these regulations as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed regulations deal with boat titling.

A. Effective Date

These proposed regulations will, if approved on final rulemaking, go into effect on June 30, 1997, or upon publication of an order adopting the regulations which ever occurs later.

B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, telephone (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These regulations are proposed under the statutory authority of section 5325 of the code (relating to rules and regulations).

D. Purpose and Background

On July 2, 1996, Governor Ridge signed Act 1996-73 into law. One section of this act (30 Pa.C.S. § 5325) directs the Commission to promulgate regulations on the titling of boats. This section took effect on September 2, 1996. The remainder of the act, which contains the requirement that boats have certificates of title, takes effect 6 months after the effective date of the regulations. The proposed regulations will have an effective date of June 30, 1997, so that titles will be required and available on or after January 1, 1998.

In drafting the proposed regulations on boat titling, the Commission reviewed parallel Department of Transportation regulations on titles for motor vehicles. The Commission also reviewed model state guidelines on boat titling and regulations and forms used for titling of snowmobiles and all-terrain vehicles.

Prior to consideration of these regulations on final rulemaking (probably at the Spring 1997 meeting), the Commission will seek input from the Boating Advisory Board. In addition to seeking public comment in the normal manner by publishing a notice of proposed rulemaking in the *Pennsylvania Bulletin*, copies of the proposals will be sent to marine trade and banking associations for specific comment and input. The Commission will attempt to convene a working group meeting with representatives of boat dealers and finance agencies to ensure that maximum input on the proposed regulations is obtained. In order to accomplish this goal during the public comment period, the Commission proposes a 45-day public comment period.

E. Summary of Proposal

Under the newly enacted law (30 Pa.C.S. § 5325), the Commission is required to promulgate rules and regulations on boat titling pertaining to:

- (1) Application procedures for certificates of title
- (2) Contents of applications
- (3) Boats brought into this Commonwealth from outside this Commonwealth
- (4) Boats purchased from dealers
- (5) Boats sold or transferred privately
- (6) Specially constructed or reconstructed boats
- (7) Delivery of certificates of title
- (8) Duplicate or replacement titles
- (9) Transfer of ownership of boats
- (10) Transfers to or from manufacturers or dealers
- (11) Repossession of boats
- (12) Boats which are junked, destroyed, lost, stolen or abandoned
- (13) Voluntary titling of boats by owners prior to sale or transfer
- (14) Suspension or cancellation of certificates of title
- (15) Creation and perfection of security interests in boats
- (16) Assignments of security interests
- (17) Satisfaction of security interests
- (18) Recordkeeping, documentation and information verification

F. Fiscal Impact

Act 1996-73 will result in estimated Boat Fund revenue in the amount of \$225,000. It is estimated by the Commission that the costs to implement the boat titling program will be approximately equal to the additional revenues generated. The proposed regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Nor will the proposed regulations impose new costs on the private sector or the general public.

G. Paperwork

The proposed regulations implement a statute that requires some new paperwork. However, the regulations themselves will not increase paperwork and will create no new paperwork requirements.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulations to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 45 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-62. No fiscal impact; (8) recommends adoption.

(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

Subchapter B. TITLING OF BOATS

Sec.	
93.101.	Definitions.
93.102.	Application procedure and contents of applications for certificate of title.
93.103.	Boats brought into this Commonwealth from outside this Commonwealth.
93.104.	Boats purchased from dealers/transfer to or from manufacturer or dealer.
93.105.	Boats sold or transferred privately.
93.106.	Specially constructed or reconstructed boats.
93.107.	Delivery of certificate of title.
93.108.	Duplicate/replacement titles.
93.109.	Transfer or repossession of boat by operation of law.
93.110.	Boats that are junked, destroyed, lost, stolen or abandoned.
93.111.	Voluntary titling of boats.
93.112.	Suspension, revocation or cancellation of certificate of title.
93.113.	Creation and perfection of security interests in boats.
93.114.	Assignments of security interests.
93.115.	Satisfaction of security interests.
93.116.	Exemptions.
93.117.	Recordkeeping, documentation and information verification regarding boats.
93.118.	Prohibited acts.
93.119.	Forms.

§ 93.101. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Dealer—A person who engages in whole or in part in the business of buying, selling or exchanging new and unused boats, or used boats, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade and display of boats. The term includes a yacht broker.

Manufacturer—A person engaged in the business of manufacturing or importing new and unused boats, or new and unused outboard motors, for the purpose of sale or trade.

Reconstructed boat—One of the following:

(i) A boat for which a certificate of title (salvage/junk) has been issued, which is thereafter restored to operating condition and which is substantially in conformance with the specifications of the manufacturer.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes or models, or that the Commission has determined is readily recognizable as a boat of a generally recognized make or model.

Specially constructed boat—One of the following:

(i) A boat not originally constructed by a generally recognized manufacturer of boats under a distinctive name and not materially altered from its original construction, but assembled from parts of various boats or kits, or both, and that would be commonly known as a "homemade" boat.

(ii) A boat that has been materially altered by the removal, addition or substitution of essential parts derived from various other makes and models and that the Commission determines cannot be readily identified as a boat of a generally recognized make or model.

Use—To operate or navigate a boat. A boat is in use whenever it is upon the water.

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The name and address from whom the boat was purchased.

(3) The state registration number, if any, currently assigned to the boat.

(4) The hull material, such as wood, steel, aluminum, plastic, fiberglass or other.

(5) The full hull identification number (HIN).

(6) The make, model and year built, if known.

(7) The length of the boat to the nearest half-foot.

(8) The type of propulsion, such as, outboard, inboard, sterndrive or unpowered.

(9) The type of fuel, such as, gas, diesel, electric or unpowered.

(10) The complete capacity information.

(11) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger and the like.

(12) The names and addresses of each lien holder (in the order of priority).

(13) The amount of the lien.

(14) The date of lien encumbrance.

(15) The date the applicant completed the form.

(16) The signature of the owners.

(17) Complete sales and use tax information.

§ 93.103. Boats brought into this Commonwealth from outside this Commonwealth.

(a) When the owner of a boat having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title for the boat when the boat is registered in this Commonwealth or its ownership is transferred to another person, whichever occurs first.

(b) When the owner of a boat not having a certificate of title from another state brings the boat into this Commonwealth as its state of principal use, the owner shall obtain a Pennsylvania certificate of title when the boat is sold or is otherwise transferred to another owner. This provision does not apply to boats for which a title is not required under section 5322(a) of the code (relating to when certificate of title not required).

§ 93.104. Boats purchased from dealers/transfer to or from manufacturer or dealer.

(a) A dealer may not purchase or acquire a new boat without obtaining from the seller a manufacturer's or importer's certificate of origin when provided by the manufacturer or importer.

(b) When certificates of origin are provided by the manufacturer or importer, a manufacturer or dealer may not transfer ownership of a new boat without supplying the transferee with the certificate of origin signed by the manufacturer's or importer's authorized agent.

(c) A dealer transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(d) A dealer shall forward the monies and applications to the Commission within 10 days of transferring ownership.

(e) Except as otherwise provided in this subsection, a dealer buying or acquiring a used boat for resale need not obtain a certificate of title for the used boat if the dealer reports the acquisition to the Commission within 15 days. In lieu of submitting a report of acquisition, the dealer may apply for and obtain a certificate of title as provided in this subchapter. If a dealer buys or acquires a used unnumbered boat that is otherwise required to be titled, the dealer shall apply for a certificate of title in his name within 15 days. If a dealer buys or acquires a new boat for resale, the dealer may, but is not required to, apply for a certificate of title for the boat in his name.

(f) Every dealer shall maintain for 3 years a record of any boat he bought, sold, exchanged or received for sale or exchange. This record shall be open to inspection by Commission representatives during reasonable business hours.

(g) A dealer/lessor who leases a boat for more than 30 consecutive days shall obtain a certificate of title for the boat unless exempt under section 5322(a) of the code (relating to when certificate of title not required). The lessor shall maintain the certificate of title of a leased boat.

§ 93.105. Boats sold or transferred privately.

(a) A person transferring a boat requiring title under this subchapter shall assign ownership to the new owner, in the case of a previously titled boat, by completing the appropriate assignment portion of the certificate of title, or in the case of a new boat, by completing the assignment portion of the certificate of origin.

(b) Moneys and applications shall be forwarded to the Commission within 10 days of transferring ownership.

(c) The lessor shall maintain the certificate of title of a leased boat.

§ 93.106. Specially constructed or reconstructed boats.

(a) The owner of a specially constructed or reconstructed boat shall apply for a certificate of title as required by this subchapter.

(b) The application for certificate of title shall be accompanied by one of the following:

(1) The outstanding certificates of title.

(2) The manufacturer's certificates of origin or certificates of title (salvage/junk), issued for boats, the parts of which were used in construction of the boat, if the boats are no longer operable or able to be registered.

(3) The bills of sale for the major components of the boat for which no other proof of ownership is available.

(c) The certificate of title issued for every specially constructed boat and reconstructed boat, as defined in this subchapter, shall clearly describe the boats by type as follows:

(1) The certificate of title for every specially constructed boat shall describe the make of boat as "specially constructed."

(2) The certificate of title for every reconstructed boat shall describe the boat by its original make or trade name but shall be coded to designate it as a reconstructed boat.

§ 93.107. Delivery of certificate of title.

The Commission will mail the original certificate of title to the first lien holder named therein, or if there is none, to the owner named therein. The Commission will retain the data necessary to generate a copy of the certificate of title.

§ 93.108. Duplicate/replacement titles.

(a) If a title is lost, stolen, mutilated, destroyed or becomes illegible, the first lien holder or, if there is none, the owner named on the title, as shown by the Commission's records, may obtain a duplicate/replacement by applying to the Commission. The applicant shall furnish information concerning the original title and the circumstances of its loss, theft, mutilation or destruction. Applications for replacement titles shall be filed within 30 days of the loss, theft, mutilation or destruction. Mutilated or illegible titles shall be returned to the Commission with the application for a duplicate/replacement.

(b) The duplicate/replacement title shall be marked "duplicate/replacement" across its face and shall be mailed or delivered to the applicant.

(c) If a lost or stolen original title for which a duplicate/replacement has been issued is recovered, the original shall be surrendered to the Commission for cancellation within 10 days of its recovery.

§ 93.109. Transfer or repossession of boat by operation of law.

(a) If ownership of a boat is transferred by operation of law, such as by inheritance, divorce, order in bankruptcy, insolvency, replevin or execution sale, the transferee, within 30 days after he has acquired the right to possession of the boat by operation of law, shall mail or deliver to the Commission a court order or other document evidencing the transfer by operation of law, together with his application for a new title and the required fee.

(b) If a lien holder repossesses a boat by operation of law and holds it for resale, the lien holder shall secure a new title and shall pay the required fee.

(c) Issuance of a certificate of title does not constitute an adjudication of issues relating to ownership of boats.

§ 93.110. Boats that are junked, destroyed, lost, stolen or abandoned.

(a) *Reporting requirements.* The destruction, loss, theft or abandonment of a boat titled under this subchapter shall be reported to the Commission within 5 days. The recovery of a boat that is lost, stolen or abandoned shall be reported to the Commission within 5 days of recovery.

(b) *Acquiring title to abandoned boats.*

(1) Subject to this subsection, a landowner, his lessee or agent may acquire title to any boat abandoned on his land or waters immediately adjacent to it. This subsection applies only to boats that have been abandoned on the property of a person other than the owner of the boat for over 6 months.

(2) A person desiring to obtain a certificate of title for an abandoned boat shall provide written notice to the Commission of intent to obtain title to the boat. The notice shall, at a minimum, set forth the date and place the boat was abandoned, a description of the boat, including the make, model and year, and, if known, the hull identification number, registration number, temporary decal number and other identifying data.

(3) If a boat abandoned on a person's lands or waters has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall include in the written notice filed under paragraph (2) a request that the Commission notify the boat's owner and lien holder, if any, that the boat has been abandoned and that the requester desires to acquire title to it.

(4) Upon receipt of the written request, the Commission will notify the owner and the lien holder by certified mail that someone desires to acquire title to the boat and if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The Commission is not required to send a letter if it cannot identify a boat's owner or lien holder or ascertain an address. If the abandoned boat has a registration number, temporary decal number or other identifying indicia, evidencing that the boat is registered in another state, the Commission will notify the other state and ask it to notify the boat's owner and lien holder by certified mail that someone desires to acquire title to the boat. The other state's notice shall provide that if ownership is not claimed and the boat removed within 30 days, the Commission may, upon proper application and payment of fees, issue a certificate of title in the name of the person desiring to acquire title. The other state is not required to send a letter if it cannot identify a boat's owner or lien holder or ascertain an address. When the other state notifies the owner and lien holder, if known, as provided in this paragraph and advises the Commission that the transfer of title to the requester is unobjectionable to the other state, the Commission may notify the requester to proceed under paragraph (6).

(5) Regardless of whether the abandoned boat has a hull identification number, registration number, temporary decal number or other identifying indicia, the person desiring to acquire title shall place a notice in a newspaper of general circulation published in the county where the boat is located, describing the boat, its location, the date it was abandoned and any identifying number. The person shall state in the notice that if the boat is not claimed and removed within 30 days after publication in the newspaper, he will apply for title to the boat in his name.

(6) After the notices described in paragraphs (4) and (5) have expired, but no earlier than 60 days after the person desiring to obtain title has first notified the Commission, the person may apply to the Commission for a certificate of title to the boat in his name as required by this subchapter and accompanied by the following af-

fidavits: a statement made under penalty of law that the boat has been abandoned for at least 6 months; proof that the applicant provided notice as set forth in paragraphs (2)—(4); and proof that a notice was published in a newspaper as required by paragraph (5). In cases involving boats registered in other states, the Commission may extend the 60-day period to 180 days.

(7) Upon receipt of the material required by this subsection and the payment of fees required by law, the Commission will issue a certificate of title to the boat to the applicant. Issuance of a certificate of title divests any other person of any interest in the boat.

(8) The Commonwealth, its agencies and political subdivisions may acquire title to a boat abandoned on areas under their respective jurisdictions by proceeding in the manner set forth in this subsection.

§ 93.111. Voluntary titling of boats.

An owner of a boat may voluntarily apply for a certificate of title by applying at any time and paying the fees required under section 5327 of the code (relating to fees). Once an owner voluntarily acquires a certificate of title, titling for the boat is thereafter mandatory.

§ 93.112. Suspension, revocation or cancellation of certificate of title.

(a) The Commission will initiate an action to suspend or revoke a certificate of title by filing an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause), when authorized by statutory or other authority, or if the Commission determines that the certificate of title was fraudulently procured.

(b) The Commission has the authority to cancel a certificate of title when the Commission determines that one of the following applies:

- (1) The certificate of title was erroneously issued.
- (2) The boat was junked, destroyed, lost, stolen or abandoned.

(c) Suspension, revocation or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(d) When the Commission suspends, revokes or cancels a certificate of title, the owner or person in possession of the certificate shall, upon receiving notice of the suspension, revocation or cancellation, immediately mail or deliver the certificate of title to the Commission.

(e) The Commission may seize, in accordance with the law, a certificate of title that it has suspended, revoked or canceled.

§ 93.113. Creation and perfection of security interests in boats.

(a) An owner creates a security interest in a boat when he signs a note, agreement or other instrument containing terms that create a security interest. When an owner creates a security interest in a boat:

(1) The owner shall provide lien holder information on the space on the title or on a separate form that the Commission prescribes. The information provided shall include the name and address of the secured party, the amount of the security interest and the date of the security agreement. The owner shall have the title, application and fee delivered to the Commission.

(2) The security interest is perfected as of the time of its creation if delivery and payment to the Commission

are completed within 10 days of the date of its creation; otherwise, perfection shall be as of the time of its delivery and payment.

(3) Upon receipt of the title, application and the required filing fee, the Commission will endorse on the existing title or on a new title that it then issues, the name and address of the secured parties, and mail or deliver the title to the secured party.

(b) A security interest in a boat is not valid against creditors of the owner or subsequent transferees or secured parties of the boat until perfected as provided by this subchapter.

(c) The issuance of a title, other than in the case of the initial issuance to a purchaser from a dealer, does not invalidate a previously perfected security interest under 13 Pa.C.S. (relating to Uniform Commercial Code), other than a dealer's security interest in inventory.

§ 93.114. Assignments of security interests.

(a) A secured party may assign, absolutely or otherwise, all or part of his security interest in the boat to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

(b) The assignee shall deliver to the Commission the title, if available, and an assignment by the secured party named in the title in the form the Commission may prescribe, accompanied by the filing fee required by law. The assignee's security interest is perfected as of the time of its creation if delivery and payment to the Commission are completed within 10 days of the date of its creation; otherwise, perfection is as of the time of its delivery and payment.

§ 93.115. Satisfaction of security interests.

Within 10 days of the satisfaction of a security interest in a boat, the secured party shall mail or deliver the title with the release to the owner and notify the Commission of the release of security interest.

§ 93.116. Exemptions.

The provisions of this subchapter relating to procedures for creating, perfecting, assigning and satisfying security interests do not apply to the following:

(1) A lien given by statute or rule of law to a supplier of services or materials for the boat.

(2) A lien given by statute to the United States, the Commonwealth or a political subdivision of this Commonwealth.

(3) A security interest in a boat created by a manufacturer or dealer who holds the boat for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

(4) A lien arising out of an attachment of a boat.

(5) A security interest claimed on proceeds, if the original security interest did not have to be noted on the title in order to be perfected.

(6) A boat for which a title is not issued under this subchapter.

§ 93.117. Recordkeeping, documentation and information verification regarding boats.

(a) The Commission will maintain a record of any title it issues.

(b) Upon written request specifically identifying a particular boat, the Commission will provide the following information about a boat having a certificate of title:

- (1) The name of the owner.
- (2) The name and address of a lien holder.
- (3) The date the certificate of title was issued.
- (4) The make, model and year of the boat.
- (c) The Commission will not release the home address of a title holder, except with the consent of the title holder or upon court order or subpoena.
- (d) The Commission will not release mailing lists or records of title holders, except to agencies of the Federal, State and local government for official purposes.
- (e) Nothing in this section affects the authority of the Commission and other agencies of Federal, State and local government to use information contained in certificates of title for official purposes.

§ 93.118. Prohibited acts.

- (a) A person may not sell, assign or transfer a boat titled by the Commonwealth without delivering to the purchaser or transferee a title with an assignment on it showing title in the purchaser or transferee.
- (b) A person may not purchase or otherwise acquire a boat required to be titled by the State without obtaining a title for it in his name.
- (c) A person may not obtain or attempt to obtain title to a boat under this subchapter through fraudulent means.

§ 93.119. Forms.

- (a) The Commission will provide suitable forms of applications, title, notice for security interests, and other notices and forms necessary to carry out this subchapter.
- (b) Except as otherwise provided in this subchapter, the forms and notices required in this chapter shall be forwarded to the Pennsylvania Fish and Boat Commission, Boat Registration Section, P. O. 68900, Harrisburg, PA 17106-8900.

[Pa.B. Doc. No. 96-2141. Filed for public inspection December 20, 1996, 9:00 a.m.]

[58 PA. CODE CHS. 69 AND 111] Fishing and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate with fishing and boating.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting these regulations, whichever comes later.

B. Contact Person

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These proposed amendments are published under the statutory authority of sections 2102 and 5124 of the code (relating to rules and regulations; and particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose for the amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

a) *Section 69.12 (relating to seasons, sizes and creel limits—Lake Erie).* At its January 1996 meeting, the Commission, on final rulemaking, amended § 69.12 to provide that from 8 a.m. the first Saturday after April 11 until 12:01 a.m. the day after Labor Day, the daily limit for trout and salmon is 8 (combined species), only two of which can be lake trout and of the entire catch (combined species), only three can exceed 15 inches in length. After the final rulemaking was approved, the Commission received inquiries and comments concerning the restriction as applied to Lake Erie and Presque Isle Bay. It was pointed out that, on Lake Erie and Presque Isle Bay, the three fish over 15-inch limit could be unduly restrictive since a relatively high proportion of the catch of trout and salmon exceeds 15 inches. The Commission, therefore, proposes to increase the number of trout and salmon per day that may exceed 15 inches in length from three to five.

b) *Section 111.58 (relating to Susquehanna County).* The Laurel Lake Association, Inc. Boating Committee petitioned the Commission to reconsider the current 60 horsepower restriction on Laurel Lake, Susquehanna County. The petitioners cited the size of the lake, more stringent restrictions on lakes of similar size, environmental concerns of the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions, and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration.

The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of the Laurel Lake and its physical constraints, staff recommended that additional restrictions on the operations of boats on this lake may be appropriate. The Boating Advisory Board (Board) reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore proposed to keep the present regulations in effect with one change, that is, to ban the operation of personal watercraft. At its July 1996 meeting, the Commission, on final rulemaking, adopted the personal watercraft amendment to § 111.58(d).

At its July and October 1996 meetings, the Commission also authorized the publication of a separate notice of proposed rulemaking to seek public comment on proposed amendments further limiting the operation of boats with internal combustion motors. Although there are at least two distinct viewpoints from persons who reside around or boat on Laurel Lake, there is general agreement that the interests of safe boating on this small impoundment require restrictions on the number of boats on the lake.

In addition, the Commission is seeking public comment on a proposed system whereby boats powered by internal combustion motors of up to 60 horsepower must have a special permit to operate on Laurel Lake.

The proposed changes set forth in Annex A contain a number of provisions related to limiting the number of boats powered by internal combustion motors that may receive permits to operate on Laurel Lake and further restricting operations of the boats on the Lake. The Commission is specifically inviting public comment on the various aspects of the proposal as alternatives. Although the proposed changes are not mutually exclusive, the Commission is asking commentators to address comments to two distinct aspects of the proposal:

a) Limiting the number of Laurel Lake permits for boats powered by internal combustion motors. One aspect of the proposal provides that no boats powered by internal combustion motors will be permitted to operate on Laurel Lake if the Lake was not its site of principal operation during the preceding year and if Laurel Lake is not the site of principal operation in the year of the permit. The Commission envisions a very simple application process for this permit whereby a registered boat owner would simply certify, under penalty of law, that Laurel Lake was the site of principal operation in the preceding year. Since Laurel Lake has no publicly owned or controlled boating access, this means that only those boats that operated on the Lake in the past will be allowed to do so in the future. This will essentially freeze the number of internal combustion boats on Laurel Lake. This aspect of the proposal also provides that number of permits for boats powered by internal combustion motors will gradually be reduced as boats go out of service, are moved elsewhere or are sold or transferred.

b) Creating an internal combustion motorboat operating zone. Another aspect of the proposal provides that internal combustion motorboats, which hold special Laurel Lake permits, are restricted to slow, minimum height swell speed operation except in a marked operating zone on the upper pond where, at any one time, no more than two such boats may operate at higher speeds (with or without water skiers) by boating in a counterclockwise direction in accordance with the Rules of the Road and other restrictions on operation of boats at Laurel Lake. The Commission is asking commentators to provide comments and suggestions as to whether, if the operating zone aspect of the proposal were adopted, it would be necessary or appropriate to limit permits to boats that

had used Laurel Lake as the site of principal operation during the preceding year and whether it would be necessary or appropriate to gradually phase out the number of internal combustion motorboats on the Lake.

F. Paperwork

The proposed amendments will result in modest increases in paperwork. The proposed Laurel Lake motorboat permit will affect a small number of boaters. Estimates are that less than 20 motorboats use Laurel Lake as a site of principal operation, and these may desire to obtain annual permits. We envision the no-fee permit process to be very simple, involving a description of the boat, its HIN, its Pennsylvania registration number, its motor serial number and a certification that Laurel Lake was and will be the site of principal operation of the boat.

G. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO

Executive Director

(*Editor's Note:* Amendments to §§ 69.12 and 69.13 appeared at 26 Pa.B. 5701 and 5711 (November 23, 1996) and an amendment to § 111.58 appeared at 26 Pa.B. 5711 (November 23, 1996). These amendments will be codified in MTS 266 (January, 1997).)

Fiscal Note: 48A-58. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT and SALMON	First Saturday after April 11 until [12:01 a.m. the day after] midnight Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only [3] 5 fish total may exceed 15 inches in length.
	12:01 a.m. the day after La- bor Day until midnight on the Friday before the first Saturday after April 11	15 inches	3 (combined species only 2 of which may be lake trout).

* * * * *

§ 69.13. Seasons, sizes and creel limits—Lake Erie Tributaries

* * * * *

(d) Except as provided in §§ 69.14 and 69.15 (relating to special regulations applicable during the fall season; and miscellaneous special regulations) and for those waters listed as nursery waters, the following seasons, sizes and creel limits apply to the tributary streams of Lake Erie in this Commonwealth:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
TROUT and SALMON	8:00 a.m. first Saturday after April 11 until [12:01 a.m. the day after] midnight Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only 3 fish total may exceed 15 inches in length.
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11	15 inches	3 (combined species only 2 of which may be lake trout).
	* * * * *		

Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.58. Susquehanna County

* * * * *

(d) *Laurel Lake.*

(1) **General restriction.** After [**January 1, 1994**] **April 1, 1997**, the operation of boats [**with motors rated greater than 60 horsepower**] powered by internal combustion motors is prohibited except as provided in paragraphs (2) and (3).

(2) **Special permits for operation of boats powered by motors of up to 60 horsepower.** Upon application, the Commission may issue a permit to authorize a boat powered by a motor of up to 60 horsepower to operate on Laurel Lake. Permits may be obtained from the Northeast Regional Law Enforcement Office, Box 88, Sweet Valley, PA 18656. To qualify for a permit, an applicant shall certify, under penalty of law, that Laurel Lake was the site of principal operation of the boat during the preceding boating season and will be the site of principal operation during the season for which the permit is issued. The permit will expire on December 31 of the year for which issued, provided that a permit may be renewed upon certification, under penalty of law, that Laurel Lake was the site of principal operation during the preceding year and will be the site of principal operation during the season for which the permit is issued. In addition, a permit issued under this section terminates when the boat is sold, transferred or otherwise conveyed to a person other than the spouse or child or a deceased owner.

(3) **Restrictions on operation of boats powered by internal combustion motors.** Operation of boats powered by internal combustion motors that have been issued permits under paragraph (2) shall be subject to the following restrictions:

[(2)] (i) **Waterskiing.** No more than one waterski device with a maximum of one skier may be towed by a boat.

[(3)] (ii) [**Boats are limited to slow, minimum height swell speed from 6 p.m. until noon of the following day on the upper lake and at all times on the lower lake.**] **Upper Lake:** Boat speed is limited to slow, minimum height swell speed except that, during the period from noon until 6 p.m., no more than two boats powered by internal combustion

motors may, at any one time, operate at speeds greater than slow, minimum height swell speed in the marked boat operating zone. Boats operating in the marked zone shall circle in a counter-clockwise direction and shall be subject to the restrictions in this subsection and the provisions of the code and this subpart. It is unlawful to waterski or to operate a boat at greater than slow, minimum height swell speed at any location on the upper lake from 6 p.m. until noon of the following day.

[(4)] (iii) [**Water skiing is prohibited from 6 p.m. until noon of the following day on the upper lake and at all times on the lower lake.**] **Lower Lake:** It is unlawful to waterski or to operate a boat at greater than slow, minimum height swell speed at any time at any location on the lower lake.

[(5)] (iv) The operation of personal watercraft is prohibited.

* * * * *

[Pa.B. Doc. No. 96-2142. Filed for public inspection December 20, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Advance Notice of Proposed Rulemaking Regarding Standardized Cost Support Data by Incumbent Local Exchange Carriers (ILECs)

[Doc. No. L-960119]

The Pennsylvania Public Utility Commission, through the Law Bureau, is considering regulations pertaining to standardized cost support data to be provided by ILECs in arbitration proceedings. The regulation is to be located in 52 Pa. Code (relating to public utilities).

A copy of the Commission order proposing a regulation is being sent to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff.

A copy of the Commission order proposing a regulation is available to the public by contacting Stephen E. Gorka, Pennsylvania Public Utility Commission, Room 203, North Office Building, P.O. Box 3265, Harrisburg, PA 17105-3265, (717) 772-8840. Any written comments or

draft language (an original and 15 copies) must be received 60 days after the date the notice is published in the *Pennsylvania Bulletin*.

This is an advance notice of proposed rulemaking and is in addition to the normal rulemaking procedures for publication and comment established under the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201 et seq.).

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2143. Filed for public inspection December 20, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 10, 1996.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-5-96	Clearfield Bank and Trust Company Clearfield Clearfield County Purchase of assets/assumption of liabilities of one branch office of Mid-State Bank and Trust Company, Altoona, located at: 1925 Daisy Street Clearfield Clearfield County	Clearfield	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-2-96	United Savings Bank Philadelphia Philadelphia County	301 Baltimore Pike Springfield Delaware County	Opened
12-3-96	Northern Central Bank Williamsport Lycoming County	10 Reitz Boulevard Lewisburg Union County	Filed
12-4-96	First Capitol Bank York York County	2170 White Street York W. Manchester Twp. York County	Filed
12-4-96	First Star Savings Bank Bethlehem Lehigh County	11 North Main St. Alburtis Lehigh County	Filed
12-5-96	The Peoples State Bank East Berlin Adams County	600 Carlisle Street Hanover York County	Approved
12-6-96	First Lehigh Bank Walnutport Northampton County	1620 Pond Road Allentown Lehigh County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-4-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	871 W. King St. Shippensburg Franklin County	Effective

SAVINGS ASSOCIATIONS

Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
12-9-96	Slovenian Savings and Loan Association of Franklin-Conemaugh Conemaugh Cambria County	Riverside Shopping Center Jefferson Avenue Windber Somerset County	Filed

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-2144. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the Field Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

PA 0092363. Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from Marion Villa STP in Washington Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Downers Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Belle Vernon Municipal Authority.

Outfall 001: existing discharge, design flow of .0267 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	5.5			11.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine				
1st through 36th month	monitor and report			
37th through expiration	.01			.03
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect

PA 0217522. Sewage, **Municipal Authority of the Borough of Smithton**, P. O. Box 350, Smithton, PA 15479.

This application is for issuance of an NPDES permit to discharge treated sewage from the Smithton Borough Sewage Treatment Plant in Smithton Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Waterworks located approximately 19 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.066 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.6
pH	6.0—9.0			

The EPA waiver is in effect.

Northwest Regional Office, Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.

PA 0222160. Sewage, **John D. Pharr, Jr.**, Hemlock Mobile Home Park, R. D. 6, Box 604, New Castle, PA 16101.

This application is for a new NPDES permit to discharge treated sewage to unnamed tributary to the East Branch Wolf Creek located in Wolf Creek Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Slippery Rock Creek and is used by the Salvation Army at Camp Allegheny 5.05 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.016750 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0036480. Sewage, SIC: 4952, **Community Country Day School**, 5800 Old Zuck Road, Erie, PA 16506.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to Walnut Creek in Millcreek Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there are no potable water supplies (PWS) to consider during the evaluation until Lake Erie is reached, approximately 8 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.0012 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5	1.2
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

PA 0080438. Sewage, SIC: 4952, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Muddy Creek, in Brecknock Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.35 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6.5		13
(11-1 to 4-30)	19.5		39
Total Phosphorus	2		4
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,300/100 ml as a geometric average		

The EPA waiver is in effect.

PA 0086703. Industrial waste, SIC: 9999, **NGK Metals Corporation**, P. O. Box 13367, Tuckerton Road, Reading, PA 19612-3367.

This application is for issuance of an NPDES permit for a new discharge of treated groundwater to Laurel Run, in Muhlenberg Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation is the Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.36 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
pH (s.u.)	from 6.0—9.0 inclusive		
Total Dissolved Solids	2,000	4,000	5,000
Osmotic Pressure		129 mos/kg	
Total Suspended Solids	30.0	60.0	75.0
Total Fluoride	6.6	33.0	33.0
Total Beryllium	0.027	0.054	0.067
Total Cadmium	0.003	0.006	0.007

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.013	0.026	0.032
Total Chromium, VI	0.033	0.066	0.082
1,1-Dichloroethylene	0.0008	0.002	0.002
1,1,1-Trichloroethane	0.005	0.01	0.012
1,1-Dichloroethane	0.003	0.006	0.007

The EPA waiver is in effect.

PA 0020851. Sewage, SIC: 4952, **Hyndman Borough Municipal Authority**, P. O. Box 445, Hyndman, PA 15545.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Wills Creek, in Hyndman Borough, **Bedford County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation is located in Hancock, Maryland. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.64
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	72,000/100 ml as a geometric average		

The EPA waiver is in effect.

PA 0082953. Industrial waste, SIC: 4953, **Boyd E. Diller, Inc.**, 6820 Wertzville Road, Enola, PA 17025.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Sears Run, in Hampden Township, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Steelton Municipal Waterworks located in Steelton, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.02 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Suspended Solids	30.0	60.0	75.0
CBOD ₅	25.0	50.0	62.0
Phosphorus	2.0	4.0	5.0
NH ₃ -N			
(5-1 to 10-31)	2.5	5.0	6.0
(11-1 to 4-30)	7.5	15.0	18.0
Fecal Coliforms			
(5-1 to 9-30)	200.0		
(10-1 to 4-30)	7,400.0		
Total Cadmium	0.010	0.020	0.025
Total Aluminum	2.5	5.0	6.25
Total Cobalt	0.095	0.19	0.24
Total Manganese	5.0	10.0	12.5
Total Silver	0.010	0.020	0.025
Total Iron	3.5	7.0	8.75
Total Mercury (Final)	0.00006	0.00012	0.00015
Total Mercury (Interim)	monitor and report		
Total Arsenic	monitor and report		
Total Barium	monitor and report		
Total Copper	monitor and report		
Total Thallium	monitor and report		

The EPA waiver is in effect.

Southeast Regional Office, Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.

PA 0026131. Amendment No. 1, Sewage, SIC: 4952, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406.

This application is for amendment of an NPDES permit to discharge treated sewage from a sewage treatment plant in Upper Merion Township, **Montgomery County**. This is an existing discharge to Trout Run.

The receiving stream is classified for cold water fish (001), warm water fish (002), trout stocking (001), migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, navigation and esthetics.

The proposed effluent limits for Outfall 001 to Trout Run, based on an average flow of 6.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20.0		40.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum daily average of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Whole Effluent Toxicity Ceriodaphnia Dubia	monitor/report (max. daily)		
Whole Effluent Toxicity Fathead Minnow	monitor/report (max. daily)		

The proposed effluent limits for Outfall 001 to Trout Run, based on a flow of 6.0 mgd and during the period from issuance and lasting through September 30, 1998 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.8	2.5

The proposed effluent limits for Outfall 001 to Trout Run, based on the flow of 6.0 mgd and during the period from October 1, 1998 and lasting through expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.6

The proposed effluent limits for Outfall 001 to Trout Run, based on the flow of 6.0 mgd and during the period from issuance and lasting through March 31, 2000 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.08	0.16	0.2
Total Silver	monitor/report	monitor/report	
Total Zinc	0.197	0.394	0.493
Total Phenols	0.024	0.048	0.06
Total Lead	monitor/report	monitor/report	

The proposed effluent limits for Outfall 002 with a direct discharge to the Schuylkill River based on a flow of 6.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20.0		40.0
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum daily average of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	0.108	0.216 (max daily)	0.27
Total Silver	monitor/report		
Total Zinc	monitor/report		
Total Phenols	monitor/report		
Total Zinc	monitor/report		
Total Lead	monitor/report		
Whole Effluent Toxicity Ceriodaphnia Dubia	monitor/report (max. daily)		
Whole Effluent Toxicity Fathead Minnow	monitor/report (max. daily)		

The proposed effluent limits for Outfall 002 with a direct discharge to the Schuylkill River based on the flow of 6.0 mgd from issuance and lasting through September 30, 1998 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.8	2.5

The proposed effluent limits for Outfall 002 with a direct discharge to the Schuylkill River based on the flow of 6.0 mgd during the period beginning at October 1, 1998 and lasting through expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.6

Other Requirements:

Pretreatment Program Requirements

Compliance Schedule for Achieving Compliance with NH₃-N Limits

Special Test Methods for certain parameters

The EPA waiver is not in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address, telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office, Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Reqmts.</i>
PA0031534	Chestnut Ridge School District New Paris Elementary School Fishertown, PA 15539	Bedford Napier Twp.	Dunning Creek	TRC

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this

proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon

which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Southeast Regional Office, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.

NPDES Permit PAS10D088. Stormwater. **Ryland Homes**, 20000 Horizan Way, Ste. 700, Mt. Laurel, NJ 08054 has applied to discharge stormwater from a construction activity located in Lower Makefield Township, **Bucks County**, to Core Creek and the Delaware River.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

NPDES Permit PAS10E059. Stormwater. **Amerikohl Mining Inc.**, 202 Sunset Drive, Butler, PA 16001 has applied to discharge stormwater from a construction activity located in Venango Township, **Butler County**, to UNT to Seaton Creek.

Huntingdon County Conservation District, District Manager, R. R. 1, Box 7C, Huntingdon, PA 16652, telephone (814) 627-1627.

NPDES Permit PAS103002. Stormwater. **Department of Transportation**, 1620 N. Juniata Street, Holidaysburg, PA 16648 has applied to discharge stormwater from a construction activity located in Shirley and Wayne Townships, and Mount Union Borough, **Huntingdon County**, to the Juniata River.

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6 Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

NPDES Permit PAS10-O-061. Stormwater. **The Goldenberg Group**, 6 Neshaminy Interplex Ste. 2, Trevoise, PA 19053 has applied to discharge stormwater from a construction activity located in the City of Lancaster, **Lancaster County**, to UNT to Little Conestoga Creek.

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.

NPDES Permit PAS10Q129. Stormwater. **Lehigh Portland Cement**, 7660 Imperial Way, Allentown, PA 18195 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

A. 0396402. Sewerage, **Edward L. Soloski**, 301 South Jefferson Street, Kittanning, PA 16201. Application for the construction and operation of a sewage treatment plant, outfall and headwall, sewers and appurtenances and a stream crossing to serve Audubon Estates located in the Township of East Franklin, **Armstrong County**.

Southcentral Regional Office, Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

A. 0696413. Sewage, **Reading Tube Corporation**, P. O. Box 14026, Reading, PA 19612-4026 in Ontelaunee Township, **Berks County** to upgrade and expand their existing sewage treatment facility which includes abandoning their existing 15,000 gpd extended aeration facility and installing a 50,000 gpd unit as well as the construction of three sewage pumping stations was received in the Southcentral Region on November 25, 1996.

A. 2896404. Sewage, **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201 in Chambersburg Borough, **Franklin County** to expand and upgrade their existing 5.2 mgd wastewater treatment plant to provide a capacity of 6.8 mgd using the vertical loop reactor oxidation ditch process and ultraviolet light disinfection.

A. 3696409. Sewage, **Earl Township Sewer Authority**, 517 North Railroad Avenue, New Holland, PA 17557 in Earl Township, **Lancaster County** to construct 17,000' of gravity sewer, 7,500' of force main and low pressure sewers, 7,500' of service connections and 4 submersible pumping stations which will connect to their existing system and serve the Himes Hill Area was received in the Southcentral Region on December 2, 1996.

A. 0696201. Industrial waste, **Delaware County Solid Waste Authority**, Colebrookdale Landfill, Rose Tree Park—Hunt Club, 1521 N. Providence Road, Media, PA 19063 in Earl Township, **Berks County** to construct a wetland treatment system as a natural filter/polishing system to improve the water quality characteristics from the discharge of an underdrain system located beneath the Old Fill Area was received in the Southcentral Region on December 2, 1996.

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

A. 3696505. Public water supply, **Fairmount Rest Homes Inc.**, West Earl Township, **Lancaster County**, (James R. Oswald, 232 Cat's Back Road, Ephrata, PA 17522), relocation of existing water softening and nitrate treatment units; the addition of well no. 3; construction of a finished water storage, distribution pumps and distribution system; and addition of a bulk salt storage facility, (George H. Wagner, Jr., Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603).

A. 2296502. Public water supply, **R. E. Wright Environmental, Inc.**, Derry Township, **Dauphin County**, (Thomas J. Curry, Project Manager, R. E. Wright Environmental, Inc., 3240 Schoolhouse Road, Middletown, PA 17057), construct and operate small water supply system with UV-disinfection and corrosion control treatment, (Jack A. Raudenbush, P. E., R. E. Wright Environmental, Inc., 3240 Schoolhouse Road, Middletown, PA 17057).

A. 2296503. Public water supply, **Wright Laboratory Services, Inc.**, Londonderry Township, **Dauphin County**, (James L. Ressler, Laboratory Manager, 34 Dogwood Lane, Middletown, PA 17057), construct and operate small water system with UV-disinfection and corrosion control treatment, (Jack A. Raudenbush, P. E., R. E. Wright Environmental, Inc., 3240 Schoolhouse Road, Middletown, PA 17057).

A. 3696506. Public water supply, **Zerbe Sisters Nursing Center, Inc.**, Narvon Township, **Lancaster County**, (Daniel Caffrey, Business Manager, Zerbe Sisters Nursing Center, Inc., 2499 Zerbe Road, Narvon, PA 17555), the addition of a new well, treatment, storage facility and distribution system to accommodate new facilities at the retirement community, (Mark H. Feibes, P. E., Senior Project Engineer, American Commonwealth Management Services Co., Inc., Ridgewood Corporate Center, 402 Boot Road, Downingtown, PA 19335-3405).

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office, Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Application No. WMGI008. **Medifor-X Corporation**, 1 Shelter Rock Lane, Danbury, CT 06810. An application for the use of "Dispoz-All 2000" for thermal treatment of infectious waste.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

Applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

8-316-005A. Installation of an air cleaning device (a replacement scrubber) on hardboard panel pretrim saws (Line I and II pretrim saws) by **Masonite Corporation** (P. O. Box 311, Towanda, PA 18848) in Wysox Township, **Bradford County**.

14-313-009A. Modification of an existing chemical process facility to manufacture a new product ("HVA-2") by **Ruetgers-Nease Corporation** (201 Struble Road, State College, PA 16801) in College Township, **Centre County**.

14-309-030E. Construction of a clay/bauxite crusher, screen and associated conveying equipment by **BMI-France** (P. O. Box 276, Snow Shoe, PA 16874) in Snow Shoe Township, **Centre County**. Some of this equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

Southeast Regional Office, Bureau of Air Quality Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

09-320-013B. On November 4, 1996, an application was received from **PHN Packaging Systems, Inc.** (721 Dresher Road, Suite 1200, Horsham, PA 19044) for the modification of a graphic arts printing facility to be located in Chalfont Borough, **Bucks County**.

23-302-129A. On November 7, 1996, an application was received to amend a previous application for **Villanova University** (Ithan Avenue and Route 30, Villanova, PA 19085) for heating hot water boilers to be located in Radnor Township, **Delaware County**.

46-313-116B. On November 12, 1996, an application was received from **Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) for the modification of a prescrubber to be located in Upper Merion Township, **Montgomery County**.

09-318-071. On November 13, 1996, an application was received from **PHN Packaging Systems, Inc.** (202 Oak Avenue, P. O. Box 902, Chalfont, PA 18914) for the construction of a splitter/coater to be located in Chalfont Borough, **Bucks County**.

46-313-093C. On November 14, 1996, an application was received from **SmithKline Beecham Research Company** (1250 South Collegeville Road, Collegeville, PA 19426) for the construction of a hydrogenation facility to be located in Upper Providence Township, **Montgomery County**.

46-313-093B. On November 14, 1996, an application was received from **SmithKline Beecham Research Company** (1250 South Collegeville Road, Collegeville, PA 19426) for the modification of a plant expansion chemical facility to be located in Upper Providence Township, **Montgomery County**.

09-320-046. On November 15, 1996, an application was received from **Specialty Paperboard/Endura, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for the construction of a graphic art line no. 1 to be located in Quakertown Borough, **Bucks County**.

09-320-047. On November 15, 1996, an application was received from **Specialty Paperboard/Endura, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for the construction of a graphic art line no. 2 to be located in Quakertown Borough, **Bucks County**.

23-312-208. On November 19, 1996, an application was received from **Bayway Refining Company** (4101 Post Road, Trainer, PA 19061) for the construction of a petroleum refinery process unit to be located in Trainer Borough, **Delaware County**.

23-329-001A. On November 25, 1996, an application was received to amend a previous application for **Sun Company, Inc.** (R&M) (P. O. Box 426, Marcus Hook, PA 19061) for six diesel engine pumps to be located in Marcus Hook Borough, **Delaware County**.

15-320-021. On November 26, 1996, an application was received from **McCorquodale Security Cards, Inc.** (523 James Hance Court, Exton, PA 19341) for the construction of a lithographic press to be located in West Whiteland Township, **Chester County**.

15-302-086GP. On November 27, 1996, an application was received from **Southeastern PA Veterans' Center 69**, (Veterans Drive, Spring City, PA 19475) for the construction of a small gas and no. 2 oil fired combustion unit to be located in East Vincent Township, **Chester County**.

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

07-310-020E. Modification of an existing limestone crushing plant by **New Enterprise Stone and Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) in Taylor Township, **Blair County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-304-059A. Construction of an induction furnace and a fabric collector by **Donsco, Inc., Mount Joy Division** (South Jacob Street, Mount Joy, PA 17552) in Mount Joy Township, **Lancaster County**.

36-313-033C. Modification of the existing materials handling and storage system by **Bristolpipe** (88 Newport Road, Leola, PA 17540) in Upper Leacock Township, **Lancaster County**.

67-318-121. Installation of three adhesive spray lines by **Tate Access Floors, Inc.** (South Main Street, Red Lion, PA 17356) in Red Lion, **York County**.

38-301-024. Construction of an incinerator for the cremation of euthanized animals by **Allied Veterinary Cremation Service** (1587 Town Hill Road, York Springs, PA 17372) in South Londonderry Township, **Lebanon County**.

Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

17-302-019B. The Department intends to issue an operating permit to **Howes Leather Corp.** (P. O. Box 57, Curwensville, PA 16833) for the operation of a No. 2 fuel oil fired boiler in Curwensville Borough, **Clearfield County**.

49-313-035J. The Department intends to issue an operating permit to **Merck & Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) for the operation of a pharmaceutical manufacturing process facility (PRIMAXIN) in Riverside Borough, **Northumberland County**.

49-301-018A. The Department intends to issue an operating permit to **Merck & Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) for the operation of a waste solvent storage vessel (TA-862) and associated air cleaning devices (two condensers and an existing fume incinerator) in Riverside Borough, **Northumberland County**. This vessel is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **09-399-040**

Source: Polyurethane Foam Line

Company: **Cartex Corporation**

Location: Fairless Hills

County: **Bucks**

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

07-310-024. The Department intends to issue an air quality operating permit to **Penn Mag, Inc.** (R. D. 1, Box 22, Adrian, PA 16210) for an iron chromite crushing and classifying operation controlled by fabric filters in Greenfield Township, **Blair County**.

22-301-056. The Department intends to issue an air quality operating permit to **The Cremation Society of Pennsylvania** (4100 Jonestown Road, Harrisburg, PA 17109) for two human crematory incinerators, each controlled by an integral thermal afterburner, in Lower Paxton Township, **Dauphin County**.

28-2005A. The Department intends to issue an air quality operating permit to **Frick Company** (100 C V

Avenue, Waynesboro, PA 17268) for a paint spray booth in Waynesboro, **Franklin County**.

38-310-017A. The Department intends to issue an air quality operating permit to **Tarmac Minerals, Inc. d/b/a Tarmac America** (Route 422, P. O. Box 160, Annville, PA 17003) for a portable sand crushing plant with wet suppression at the Millard Quarry in North Londonderry Township, **Lebanon County**. The plant is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

38-323-004A. The Department intends to issue an air quality operating permit to **PA Precision Cast Parts, Inc.** (521 North Third Avenue, Lebanon, PA 17042) for a dewax oven controlled by an integral thermal afterburner in the City of Lebanon, **Lebanon County**.

67-320-027A. The Department intends to issue an air quality operating permit to **Flexi-Tech Graphics, Inc.** (14 Barnhart Drive, Hanover, PA 17331) for four heatset web offset lithographic printing presses controlled by a regenerative thermal oxidizer in Penn Township, **York County**.

67-304-041. The Department intends to issue an air quality operating permit to **R. H. Sheppard Company, Inc.** (101 Philadelphia Street, Hanover, PA 17331) for a sand reclamation system controlled by a fabric filter collector in the Borough of Hanover, **York County**.

ER-36-1002. The Department intends to issue an air quality Emission Reduction Credit Approval to **New Holland North America, Inc.** (500 Diller Avenue, New Holland, PA 17557) for 78 tons of Volatile Organic Compounds (VOC) and 4 tons of nitrogen oxides (NOx) resulting from the shutdown of sources in Mountville, **Lancaster County**.

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

TV-63-549. The Department received a Title V air quality operating permit application from **William H. Martin, Inc.** (310 Leger Road, North Huntingdon, PA 15642) for a landfill at its Arden Landfill-East Valley located in Chartiers Township, **Washington County**.

TV-56-181. The Department received a Title V air quality operating permit application from **Southern Alleghenies Disposal Service, Inc.** (R.R. 3, Box 310, Holsopple, PA 15935) for a landfill at its Southern Alleghenies Landfill located in Conemaugh Township, **Somerset County**.

TV-11-370. The Department received a Title V air quality operating permit application from **Chambers Laurel Highlands Landfill** (310 Leger Road, North Huntingdon, PA 15642) for a landfill at its Chambers Laurel Highland Landfill located in Jackson Township, **Cambria County**.

PA-04-685A. The Department intends to issue an air quality operating permit to **Dravo Lime Company** (3600 One Oliver Plaza, Pittsburgh, PA 15222) for a baghouse on the portable dry bulk conveyor at its Kobuta Yard located in Potter Township, **Beaver County**.

11-302-013B. The Department intends to issue an air quality operating permit to **Good Samaritan Medical Center** (1020 Franklin Street, Johnstown, PA 15905) for a low emissions burner on the natural gas/oil boiler at its facility located in Johnstown, **Cambria County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.

The Department intends to issue an air quality operating permit to **Atlas Resources** (311 Rouser Rd., Box 611, Coraopolis, PA 15108) for the operation of the following sources:

43-329-002A. Engines and dehydrator in Coolspring Township, **Mercer County**.

43-329-004. Natural gas compressor station in Pine Township, **Mercer County**.

43-318-030. The Department intends to issue an air quality operating permit to **Spang & Co.** (5241 Lake St., Sandy Lake, PA 16145) for the operation of a dip tank and curing oven in Stoneboro, **Mercer County**.

20-301-028. The Department intends to issue an air quality operating permit to **Tedes Co. Gizzie Memorials** (614 Baldwin St., Meadville, PA 16335) for the operation of a crematory incinerator in Meadville, **Crawford County**.

25-315-007. The Department intends to issue an air quality operating permit to **International Paper Company** (P. O. Box 10050, Erie, PA 16533) for the operation of a flexographic printing operation in Erie, **Erie County**.

25-313-056. The Department intends to issue an air quality operating permit to **Mallinckrodt Chemical Inc.** (1707 Gaskell Ave., Erie, PA 16503) for the operation of a plant blender in Erie, **Erie County**.

The Department intends to issue an air quality operating permit to **Pennzoil Products Company** (2 Main St., Rouseville, PA 16344) for the operation of the following sources in Cornplanter Township, **Venango County**.

61-312-025. Storage tanks

61-312-026. Waste water drain system

10-322-004. The Department intends to issue an air quality operating permit to **Northwest Sanitary Landfill** (1436 W. Sunbury Rd., W. Sunbury, PA 16061) for the operation of a flare in Clay Township, **Butler County**.

24-313-088C. The Department intends to issue an air quality operating permit to **Carbone of America, Inc.** (215 Stackpole St., St. Marys, PA 15857) for the operation of car kilns in Benzinger Township, **Elk County**.

62-312-035. The Department intends to issue an air quality operating permit to **United Refining Company** (Box 780, Warren, PA 16365) for the operation of a volcanic heater in Warren, **Warren County**.

62-329-005A. The Department intends to issue an air quality operating permit to **Elkhorn Operating Company** (8801 S. Yale, Suite 420, Tulsa, OK 74137) for the operation of a gas processing facility in Sheffield Township, **Warren County**.

42-302-028. The Department intends to issue an air quality operating permit to **Kane Handle Co., Div. Ames Co.** (Box 760, Biddle St., Kane, PA 16735) for the operation of a wood fired boiler in Kane, **McKean County**.

33-309-017. The Department intends to issue an air quality operating permit to **Owens-Brockway Glass** (Rt. 19, Brockway, PA 15824) for the operation of a baghouse in Snyder Township, **Jefferson County**.

33-329-001. The Department intends to issue an air quality operating permit to **CNG Transmission Corp.** (445 W. Main St., Clarksburg, WV 26302) for the operation of two engines in Perry Township, **Jefferson County**.

37-345-007A. The Department intends to issue an air quality operating permit to **INMETCO** (P. O. Box 720, Ellwood City, PA 16117) for the operation of a rotary hearth furnace in Ellwood City, **Lawrence County**.

The Department intends to issue an air quality operating permit to **Borden Chemical, Inc.** (P. O. Box 7227, Mt. Jewett, PA 16740) for the operation of the following sources:

42-399-018C & 42-399-033. Storage tanks in Sergeant Township, **McKean County**.

Applications received for Minor Source Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

OP-11-241. The Department received an application for a Minor Source air quality operating permit from **Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) for a correctional facility at its Cresson Center located in Cresson Township, **Cambria County**.

OP-04-192. The Department received an application for a Minor Source air quality operating permit from **Royal Monarch, Ltd.** (6th Street and 2nd Avenue, Beaver Falls, PA 15010) for a Vitreous China Manufacturing process at its facility in Beaver Falls, **Beaver County**.

OP-65-095. The Department received an application for a Minor Source air quality operating permit from **Westinghouse Electric Company** (Westinghouse Road, R. R. 4, Blairsville, PA 15717) for a specialty metals handling process at its Blairsville Plant located in Derry Township, **Westmoreland County**.

OP-04-695. The Department received an application for a Minor Source air quality operating permit from **Conrail** (Route 65, Conway Yard, Conway, PA 15027) for a railroad maintenance facility at its Conway Classification Yard in Conway Borough, **Beaver County**.

OP-30-097. The Department received an application for a Minor Source air quality operating permit from **Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) for a correctional facility at its SCI at Greene in Franklin Township, **Greene County**.

Notice of Intent to Issue

Title V Operating Permit #59-00008

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to the Tennessee Gas Pipeline Company for the 315 Wellsboro compressor station. The Wellsboro (315) compressor station is located in Charleston Township, Tioga County. The Tennessee Gas Pipeline Company representative to contact regarding this application is Nasir Ghani, Environmental Scientist, P. O. Box 2511, 1010 Milam Street, Houston, TX 77252.

The Wellsboro (station 315) compressor station is primarily used for the distribution of natural gas. As a result of the levels of nitrogen oxides emitted, Wellsboro (station 315) is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 128, Subchapter G.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Any persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments

Identification of the proposed permit (specify Permit No. 59-00008)

Concise statements regarding the relevancy of the information or objections to issuance of the permit

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

**Title V Operating Permit
Permit No. TV-21-05029**

The Department of Environmental Protection has made a preliminary determination to issue a Title V Operating Permit to Atlantic Refining & Marketing Co. (owner) and Sun Company, Inc. (operator) for the Mechanicsburg Terminal located in Hampden Township, Cumberland County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-21-05029).

The Department reserves the right to hold a public hearing on the proposed action based upon the informa-

tion received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

**Title V Operating Permit
Permit No. TV-67-05006**

The Department of Environmental Protection intends to issue a Title V Operating Permit to the York County Solid Waste and Refuse Authority operated by York Resource Energy Systems, Inc. for the York County Resource Recovery Center located in Manchester Township, York County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-67-05006).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

Title V Operating Permit #37-00059

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Universal Rundle for their reinforced plastic manufacturing facility. Universal Rundle's facility is located in Taylor Township, Lawrence County. Universal Rundle's representative to contact concerning this application is John Covelli, Plant Engineer/Environmental Coordinator, East Cherry Street Extension, New Castle, PA 16102.

Universal Rundle's facility is primarily used for the manufacture of reinforced plastic plumbing fixtures. The facility's air emission sources include the fiberglass resin spray-up and the gelcoat spray-up operations. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit VOCs in the form of styrene. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist

for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify TVOP #33-00007).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Jeffrey D. Fuller or Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

Title V Operating Permit #33-00007

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Doverspike Brothers Coal Company (Doverspike) for their Dora coal preparation facility. Doverspike's Dora coal preparation facility is located in Ringgold Township, Jefferson County. Doverspike's representative to contact concerning this application is Bradley Parker, Plant Engineer, P. O. Box 271, Punxsutawney, PA 15767.

Doverspike's Dora coal preparation facility is primarily used for processing, sizing and preparing raw coal for sale. The facility's air emission sources include two storage silos, various coal transfer and screening operations, a thermal dryer, two finished coal stackers, a rail loadout station and unpaved roadways. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides, Sulfur Oxides and Particulate Matter less than 10 microns (PM10). The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify TVOP #33-00007)

• Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

37-308-007. The Department received a plan approval application for modification of an existing non-ferrous bulk blending, briquetting, and bagging system (17.7 tons/hour), by **Reactive Metals & Alloys Corporation** (P.O. Box 366, West Pittsburg, PA 16160) in Taylor Township, **Lawrence County**.

10-399-018. The Department received a plan approval application for installation of five fiberglass pultrusion lines by **Resolite, A United Dominion Company** (P.O. Box 338, Route 19 North, Zelienople, PA 16063-0338) in Jackson Township, **Butler County**.

10-318-014A. The Department received a plan approval application for modification of the coating line and installation of a new thermal oxidizer by **Napco, Inc.** (125 McFann Rd., Valencia, PA 16059) in Middlesex Township, **Butler County**.

10-318-109A. The Department received a plan approval application for construction of a horizontal coater/laminator (18 ft/min mica tapes) by **Lectromat, Inc.** (P.O. Box 608, Mars, PA 16046) in Adams Township, **Butler County**.

Application received for Plan Approval issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-65-860A. Fansteel Hydro Carbide (P.O. Box 363, Latrobe, PA 15650) for an Attritor Mill at its Latrobe Plant located in Unity Township, **Westmoreland County**.

Applications under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology (RACT).

Southeast Regional Office, Bureau of Air Quality Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

OP-46-0052. On November 19, 1996, an application was received from **Pottstown Memorial Medical Center** (1600 East High Street, Pottstown, PA 19464) for the approval of Facility VOC/NOx RACT located in Pottstown Borough, **Montgomery County**.

OP-46-0031A. On November 14, 1996, an application was received from **SmithKline Beecham Research Company** (1250 South Collegeville Road, Collegeville, PA 19426) for the approval of Facility VOC/NOx RACT located in Upper Providence Township, **Montgomery County**.

OP-23-0034. On November 7, 1996, an application was received from **Villanova University** (Ithan Avenue and Route 30, Villanova, PA 19085) for the approval of Facility VOC/NOx RACT located in Radnor Township, **Delaware County**.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Coal Applications Received

17860122. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 490.5 acres, receiving streams unnamed tributary of Wallace Run to Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to west branch Susquehanna River, application received November 20, 1996.

17860138. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 148.6 acres, receiving streams unnamed tributary to Clearfield Creek and Laurel Run, application received November 25, 1996.

17860133. Thomas Coal Co., Inc. (Star Route, Box 53, Curwensville, PA 16833), renewal of an existing bituminous surface mine permit in Brady and Penn Townships, **Clearfield County** affecting 188.4 acres, receiving streams Laurel Branch Run and Beech Run to east branch Mahoning Creek, east branch Mahoning

Creek to Mahoning Creek, Mahoning Creek to Allegheny River, Allegheny River to Ohio River, application received December 2, 1996.

17900110. Thomas Coal Co., Inc. (Star Route, Box 53, Curwensville, PA 16833), renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 199.8 acres, receiving streams unnamed tributary of Bell Run, and Bell Run, application received December 2, 1996.

17910130. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 191.7 acres, receiving streams Daily Run, Curry Run and unnamed tributary of Poplar Run, application received December 2, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

10950106. BenHal Mining Company (389 Irishtown Road, Grove City, PA 16127), transfer of an existing bituminous surface strip, auger and coal refuse disposal operation in Muddy Creek Township, **Butler County** affecting 72.9 acres. Receiving streams an unnamed tributary to Little Yellow Creek. Transfer from Dutch Run Coal, Inc. Application received November 26, 1996.

10910107. Big "B" Mining Company (R. D. 1, West Sunbury, PA 16061), renewal of an existing bituminous surface strip operation in Center Township, **Butler County** affecting 193.6 acres. Receiving streams three unnamed tributaries to Stony Run and an unnamed tributary to Pine Run. Application for reclamation only. Application received December 3, 1996.

16910106. C & K Coal Company (P. O. Box 69, Clarion, PA 16214), renewal of an existing bituminous surface strip, tippie refuse disposal and beneficial use of fly ash disposal operation in Perry Township, **Clarion County** affecting 255.0 acres. Receiving streams two unnamed tributaries to Cherry Run. Application for reclamation only. Application received December 5, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

04961601. Aliquippa Terminals, Inc. (390 Glade Mill Road, Valencia, PA 16059), to operate the Aliquippa Terminals, Inc. Preparation Plant in the city of Aliquippa, **Beaver County**. There are no NPDES discharges proposed with this site. Application received November 25, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received

10960305. H. W. Cooper & Sons, Inc. (P. O. Box 786, Slippery Rock, PA 16057), commencement, operation and restoration of a sand and gravel operation in Worth Township, **Butler County** affecting 67.0 acres. Receiving streams an unnamed tributary to Black Run. Application received November 15, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

5078NC3. Small Mountain Quarry, Inc. (125 North Warren Street, West Hazleton, PA 18201), transferred from Clair C. Hock; operation of a sand and gravel quarry in Salem Township, **Luzerne County**, affecting 63.9 acres, receiving stream none. Application received November 27, 1996.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northcentral Regional Office, Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.

E08-309. Encroachment. **Windham Township**, R. R. 2, Box 97, Rome, PA 18837. To remove the existing structure and to construct and maintain a 75 inch by 112 inch CMPA culvert in Little Falls Creek. This project is located on T-887 about 0.4 mile west of SR 187 (Windham, PA Quadrangle N: 20.5 inches; W: 13.8 inches) in Windham Township, **Bradford County**. Estimated stream disturbance about 100 feet with no wetland impact; stream classification is CWF.

E12-100. Encroachment. **Shippen Township Supervisors**, P. O. Box 349, Emporium, PA 15834. To remove an existing structure and to construct and maintain a road crossing across an unnamed tributary to Portage Creek. The proposed road crossing shall be constructed with a corrugated metal arch culvert that will have a rise of 6.42 feet, span of 9.50 feet and length of 25.0. The project is located along the western right-of-way of SR 1001 approximately 80.0 feet west of the intersection of T-314 and SR 1001 (Emporium, PA Quadrangle N: 4.8 inches; W: 15.2 inches) in Shippen Township, **Cameron County**. Estimated stream disturbance is 63.0 linear feet of waterway with no wetland impact; stream classification is Cold Water Fishery.

E19-159. Encroachment. **Fishing Creek Township Spvr.**, R. R. 2, Box 174, Orangeville, PA 17859. To remove the existing structure and to construct and maintain a corrugated aluminum box culvert with a 14 foot 5 inch span and 3 feet 3 inch rise, depressed 6 inches in Yost Run. This project is located on T-603 about 0.4 mile east of SR 1022 (Stillwater, PA Quadrangle N: 4.28 inches; W: 10.15 inches) in Fishing Creek Township, **Columbia County**. Estimated stream disturbance is about 75 feet with no wetland impacts; stream classification is CWF.

E19-160. Encroachment. **Dept. of Environmental Protection**, Two Public Square, Wilkes-Barre, PA 18711-

0790. To reclaim and maintain an abandoned mine site by backfilling abandoned pits to restore original contours, rerouting existing streams Big Mine Run and East Big Mine Run, and creating wetland ponds to provide filtration and stormwater detention. This project impacts about 1,900 feet of stream and is located at the intersection of SR 54, 64 and SR 3004, just northwest of Ashland Borough (Ashland, PA Quadrangle N: 6.2 inches; W: 15.2 inches) in Conyngham Township, **Columbia County** and Ashland Borough, **Schuylkill County**.

E53-294. Encroachment. **Potter County Commissioners**, Court House, Coudersport, PA 16915. To 1) modify and maintain 1,500.0 linear feet of South Hollow Run channel and 2) construct and maintain a concrete box culvert to carry a public road across South Hollow Run. The proposed work shall consist of modifying the existing channel to carry the 100 year frequency flood and constructing a road crossing with a concrete box culvert that has a rise of 5.0 feet, span of 8.0 feet and a length of 40.0 feet. This project is located along the western right-of-way of SR 0872 approximately 1,500.0 feet south of the intersection of SR 0006 and SR 0872 (Sweden Valley, PA Quadrangle N: 3.4 inches; W: 15.2 inches) in Coudersport Borough, **Potter County**. Estimated stream disturbance is 1,540.0 linear feet with no wetland impact; stream classification is Cold Water Fishery.

E08-307. Encroachment. **Allen A. Lowman**, R. R. 3, Lot 19 Ridgebury Manor, Gillett, PA 16925-9618. To construct and maintain a telephone pole/wood deck bridge having a clear span of 27 feet and a minimum underclearance of 54 inches across an unnamed tributary to Bentley Creek located adjacent to SR 4026 approximately 150 feet west of the intersection of SR 4027 and SR 4026 (Bentley Creek, PA Quadrangle N: 12.3 inches; W: 12.5 inches) in Ridgebury Township, **Bradford County**. Estimated stream disturbance 20 linear feet; stream classification is WWF.

E47-057. Encroachment. **Speedex Industries Inc.**, James Paugh, 120 Blue Springs, Danville, PA 17821. To place fill approximately 90 feet wide and 260 feet long within 50 feet of the top of bank of an unnamed tributary to Chillisquaque Creek between SR 254 and the stream .25 mile west of SR 54 (Washingtonville, PA Quadrangle N: 8.6 inches; W: 5.5 inches) in Derry Township, **Montour County**. Estimated stream disturbance is less than 250 linear feet; stream classification is WWF.

E53-292. Encroachment. **Sharon Township Supervisors**, R. R. 1, Box 96, Shinglehouse, PA 16748. To remove the existing structure and to construct and maintain a single span precast concrete box beam bridge with a clear span of 45.8 feet and height of 8.1 feet at a 50 degree skew on Honeoye Creek on T-371 approximately 800 feet from SR 4021 and to construct a temporary stream crossing in the village of Honeoye (Shinglehouse, PA Quadrangle N: 20.8 inches; W: 0.9 inch) in Sharon Township, **Potter County**. Estimated stream disturbance is less than 250 linear feet; wetland impacts include temporary fill of 0.19 acre and permanent de-minimus fill of .05; stream classification is CWF.

E59-334. Encroachment. **Dept. of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To raise the existing western bridge abutment approximately 4 feet and the center pier about 2 feet to accommodate a better approach for towed vehicles in Hills Creek on Spillway Road just off Hickle Road in Hills Creek State Park (Crooked Creek, PA Quadrangle N: 9.5 inches; W: 9.6 inches) in Charlestown Township,

Tioga County. Estimated stream disturbance is less than 250 linear feet; stream classification is WWF.

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E35-276. Encroachment. **Empire Sanitary Landfill, Inc.,** P. O. Box 28, Taylor, PA 18517. To fill in 6.4 acre of PEM/SS/FO wetlands and to construct and maintain approximately 2,650 linear feet of a 72-inch diameter RCP stream enclosure in Saw Mill Creek (CWF). The project is part of the development of Expansion Area III of the Empire Sanitary Landfill and is located on the northwest side of S. R. 3011 (Keyser Avenue) approximately 0.5 mile south of the intersection of SR 3011 and SR 0476 (Pennsylvania Turnpike Northeast Extension) (Scranton, PA Quadrangle N: 3.5 inches; W: 16.7 inches) in Old Forge Borough, Taylor Borough and Ransom Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-734. Encroachment. **Bristol Borough,** 250 Pond Street, Bristol, PA 19007. To construct and maintain an asphalt paved pedestrian and bike trail with associated signage and park benches in and along the 100-year floodway and floodplain of the Silver Creek (WWF-MF), respectively. This work is associated with the Historic Delaware Canal Improvements Project located just west of the confluence of Silver Creek and the Delaware River (Bristol, PA-NJ, USGS Quadrangle N: 17.0 inches; W: 15.2 inches) in Bristol Borough, **Bucks County**.

E09-736. Encroachment. **Doylestown Township Municipal Authority,** 425 Wells Road, Doylestown, PA 18901. To construct and maintain 170 feet of a concrete encased 12-inch water main crossing Pine Run Reservoir on Iron Hill Road (Doylestown, PA Quadrangle N: 11.6 inches; W: 6.9 inches) in Doylestown Township, **Bucks County**.

E09-735. Encroachment. **The Cutler Group,** 5 Sentry Parkway West, Suite 100, Blue Bell, PA 19422. To construct and maintain two roadway crossings of an unnamed tributary to Mill Creek (TSF) impacting approximately 200 feet of the watercourse and 0.16 acre of wetland (PEM/SS). Also to construct a stormwater management facility which includes excavating approximately 250 feet along the 100 year floodway of the aforementioned stream. This stormwater facility contains an approximately 80 foot long outlet conduit, and placing fill in 0.08 acre of wetlands (PSS), for the combined dam/roadway stream crossing. This site is located on the northeast side of Pickertown Road between Stump Road and Lower State Road (Doylestown, PA Quadrangle N: 3.25 inches; W: 7.75 inches) in Warrington Township, **Bucks County**.

Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E67-577. Encroachment. **Dept. of Transportation,** Engineering District 2-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a prestressed adjacent plank beam bridge with a normal span of 24 feet and a minimum underclearance of 5 feet 6 inches over Fishing Creek on SR 2031, segment 0030, offset 0272

(Red Lion, PA Quadrangle N: 7.29 inches; W: 11.25 inches) in Windsor Borough, **York County**.

DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

EA15-019C0. Environmental assessment. **Sargio DeMichiel,** 108 Joanne Way, P. O. Box 1004, New London, PA 19360. To construct and maintain a non-jurisdictional dam across a tributary to Hodgson Run (HQ-TSF;MF) impacting approximately 0.13 acre of wetlands (PSS) for the purpose of stormwater management and access at the proposed Saginaw Farms subdivision. The proposed dam will replace an existing nonjurisdictional dam and pond located approximately 1,100 feet northeast of the intersection of Saginaw Road (S. R. 3020) and Mount Hope Road (Oxford, PA Quadrangle N: 4.35 inches; W: 3.65 inches) in New London Township, **Chester County**.

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Northcentral Field Operations, Water Supply & Community Health, 200 Pine Street, Williamsport, PA 17701-6510.

WA-60-1003. West Buffalo Township Municipal Authority, R. D. 3, P. O. Box 237, Mifflinburg, PA 17844, West Buffalo Township, **Union County**. The Water Allocation Application filed by the West Buffalo Township Municipal Authority for the purpose of providing means of constructing, financing and operating a water system within the Township of West Buffalo has been approved and issued.

Southwest Regional Office, Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

WA11-1003. Water allocation. **Watkins Area Water Authority, Cambria County.** Watkins Area Water Authority has submitted an application requesting permission to acquire rights for the acquisition of 45,000 gallons per day of water, as a daily peak, West Carroll Water and Sewer Authority, Barr Township, Cambria County, PA.

ACTIONS

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514 and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and

procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Permits Issued

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

NPDES Permit No. PA0094706. Sewage, **Economy Development Company, Inc.**, 1259 Freedom Crider Road, Freedom, PA 15042 is authorized to discharge from a facility located at Tri-County Soccer and Sports Center Sewage Treatment Plant, New Sewickley Township, **Beaver County** to unnamed tributary of North Fork Big Sewickley Creek.

NPDES Permit No. PA0216755. Amendment No. 1. Sewage, **Helvetia Coal Company**, Box 729, Indiana, PA 15701 is authorized to discharge from a facility located at Lucerne No. 6E Mine-Clawson Shaft Portal, Blacklick Township, **Indiana County**.

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.

NPDES Permit No. PA0029114. Clintonville Water and Sewer Authority, Box 292, Porter Road, Clintonville, PA 16372 is authorized to discharge from a facility located in Clintonville Borough, **Venango County** to Scrubgrass Creek (Final Limitations) and to an unnamed tributary to Scrubgrass Creek (Interim Limitations).

NPDES Permit No. PA0002551. Pennzoil Products Company, Rouseville Refinery, 2 Main Street, Rouseville, PA 16344 is authorized to discharge from a facility located in Rouseville Borough, **Venango County** to Oil Creek and its tributary, Hamilton Run.

Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

NPDES Permit No. PA0087653. Sewerage/Single Family Treatment Plant. **William Morche**, 25B Douglass House, Douglassville, PA 19518 is authorized to discharge from a facility located in Pike Township, **Berks County** to the receiving waters named a dry swale on Morche property.

NPDES Permit No. PAG043550. Sewerage/Single Family Treatment Plant. **Messrs Norman W. Sigel and J. Arthur Oberholtzer**, R. R. 6, Box 187A, Bedford, PA 15522-9263 is authorized to discharge from a facility located in Cumberland Valley Township, **Bedford County** to Sandy Spring Run.

NPDES Permit No. PAG043561. Sewerage/Single Family Treatment Plant. **Vincent J. Capricci**, 11701 Woodlea Drive, Waynesboro, PA 17268 is authorized to discharge from a facility located in Monroe Township, **Bedford County**.

NPDES Permit No. PA0081647. Sewerage. **White Run Regional Municipal Authority STP**, 2001 Baltimore Pike, Gettysburg, PA 17325 is authorized to discharge from a facility located in Mount Joy Township, **Adams County** to the receiving waters named White Run.

NPDES Permit No. PA0084115. Sewerage. **All American Travel Plazas, Inc.**, P. O. Box 302, 128/22, Bethel, PA 19507 is authorized to discharge from a facility located in Reed Township, **Dauphin County** to the receiving waters named Susquehanna River.

NPDES Permit No. PA0070378. Sewerage. **Blue Mountain Academy**, Route 3, Box 542, Harrisburg, PA 19526 is authorized to discharge from a facility located in Tilden Township, **Berks County** to the receiving waters of an unnamed tributary named Mill Creek.

NPDES Permit No. PA0033553. Sewerage. **Gehmans Mennonite School**, 650 Gehman School Road, Denver, PA 17517 is authorized to discharge from a facility located in Brecknock Township, **Lancaster County** to the receiving waters named Muddy Run.

NPDES Permit No. PAG043554. Sewerage/Single Family Treatment Plant. **David R. Stup**, Owner, R. D. 2, Box 230-5, Clearville, PA 15535 is authorized to discharge from a facility located in Monroe Township, **Bedford County** to the unnamed tributary to west branch Sidling Creek.

NPDES Permit No. PAG043553. Sewerage. **Point United Methodist Church**, R. D. 1, Box 109A, Schellsburg, PA 15559 is authorized to discharge from a facility located in Napier Township, **Bedford County** to the unnamed tributary to Adams Run.

NPDES Permit No. PA0085260. Industrial waste. **Goss Graphic Systems Inc.**, 200 North Park Road, Wyomissing, PA 19610 is authorized to discharge from a facility located in Wyomissing Borough, **Berks County** to the receiving waters named Wyomissing Creek.

NPDES Permit No. PA0080632. Industrial waste. **B & W Growers, Inc.**, 17825, 79th Street, Fellsmere, FL 32948 is authorized to discharge from a facility located in Penn Township, **Cumberland County** to the receiving waters named Yellow Breeches.

NPDES Permit No. PA0070211. Industrial waste. **Post Precision Castings, Inc.**, P. O. Box A, Strausstown, PA 19559-0100 is authorized to discharge from a facility located in Upper Tulpehocken Township, **Berks County** to the receiving waters of an unnamed tributary to Jackson Creek.

NPDES Permit No. PA0010294. Industrial waste. **AMP Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608 is authorized to discharge from a facility located in Williamstown Borough, **Dauphin County** to the receiving waters named Wiconisco Creek.

NPDES Permit No. PA0087378. Industrial waste. **Letterkenny Army Depot**, SIOLE-EEJ, Building 618, Chambersburg, PA 17201 is authorized to discharge from a facility located in Green Township, **Franklin County** to the receiving waters named Rowe Run.

NPDES Permit No. PA0082791. Industrial waste. **Chester County Solid Waste Authority**, P. O. Box 476, Route 322, Honey Brook, PA 19344 is authorized to discharge from a facility located in Caernarvon Township, **Lancaster County** to the receiving waters named Conestoga River.

NPDES Permit No. PA0080187. Industrial waste. Amendment No. 1. **Dauphin Meadows, Inc.**, 310 Leger Road, North Huntingdon, PA 15642 is authorized to discharge from a facility located in Washington Township, **Dauphin County** to the receiving waters of an unnamed tributary of Wiconisco Creek.

NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewater to the waters of the Commonwealth.

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046118	4	Richard L. DeBiasio, Jr. Bonnie M. DeBiasio 1089 McKee Road Oakdale, PA 15071	Allegheny N. Fayette Twp.	Unnamed tributary to N. Branch of Robinson Run	8811

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048413	PAG-4	Melburn L. Steele 705 Langdon Rd. Erie, PA 16509	Erie Summit Township	Unnamed Tributary to Walnut Creek	
PAG048417	PAG-4	Robert L. Rhoades 308 Dutch Hill Rd. Warren, PA 16365	Warren Farmington Twp.	Unnamed Tributary to Rhine Run	
PAG048416	PAG-4	Paul Mercier 26143 N. Frenchtown Rd. Guys Mills, PA 16327	Crawford East Mead Twp.	Unnamed Tributary to Little Sugar Creek	
PAG048415	PAG-4	Leonard B. Riel R. D. 3, 165 Scranton Hollow Rd. Sugar Grove, PA 16350	Warren Farmington Twp.	Mud Run	

Southcentral Regional Office, Water Management Program Manager, One Ararat Blvd., Harrisburg, PA 17110-9333, telephone (717) 657-4590.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG043554	4	David Stup R. D. 2, Box 230-5 Clearville, PA 15535	Bedford Monroe Twp.	UNT to West Branch of Sidling Creek	
PAG043545	4	Dennis D. Cowher Box 72 Queen, PA 16670	Bedford Kimmel Twp.	Beaverdam Creek	
PAR803610	3	Roadway Express Inc. 100 Roadway Dr. Carlisle, PA 17013	Cumberland Middlesex Twp.	UNT to Conodoguinet	4231
PAR803609	3	Roadway Express Inc. 3150 Hempland Rd. Lancaster, PA 17601	Lancaster E. Hempfield Twp.	W. Branch of Little Creek	4231

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR802230	3	Roadway Express 1077 Gorge Blvd. P. O. Box 471 Akron, OH 44309-0471	Schuylkill N. Manheim Twp.	Long Run Creek	4231
PAR802231	3	Roadway Express 1077 Gorge Blvd. P. O. Box 471 Akron, OH 44309-0471	Luzerne Hazleton City	Hazle Creek	4231

The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101709	Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Clearfield County Boggs Township	Clearfield Creek

Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Permits Issued

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

Permit No. 3296402. Sewerage, **Helvetia Coal Company**, P. O. Box 729, Indiana, PA 15701. Construction of sewage treatment plant located in the Township of Blacklick, **Indiana County** to serve the Lucerne No. 6 Extension-Clawson Shaft Portal.

Permit No. 6570410. Amendment No. 1. Sewerage, **Frank and Janet Taddeo**, P. O. Box 297, Elizabeth, PA 15037. Construction of intermittent sand filters and dosing facilities located in the Township of Hempfield, **Westmoreland County** to serve the Pine View Manor Mobile Home Park Sewage Treatment Plant.

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

WQM Permit No. 2596413. Sewage. **Borough of North East**, 58 East Main Street, North East, PA 16428. This project is for the upgrade of sludge handling facilities at Site I in the Borough of North East, **Erie County**.

WQM Permit No. 6296411. Sewerage, **Leonard B. Riel**, SRSTP, 165 Scranton Hollow Rd., R. D. 3, Sugar Grove, PA 16350. Construction of Leonard B. Riel SRSTP located in Farmington Township, **Warren County**.

Permit No. 2290202. Industrial waste. Amendment No. 1. **Dauphin Meadows, Inc.**, 310 Leger Road, North Huntingdon, PA 15642. Construction of a new outfall line to convey treated landfill leachate to Wiconisco Creek in Washington Township, **Dauphin County**.

Permit No. 2275202. Industrial waste. Amendment No. 1. **Derry Township**, 235 Hockersville Road, Hershey, PA 17033. Leachate treatment lagoons, followed by

spray irrigation on the landfill and discharge into infiltration basins on the landfill in Derry Township, **Dauphin County**.

Permit No. 3196402. Sewerage. **Department of Public Welfare**, Bureau of Facilities Management, P. O. Box 2675, 1401 N. Seventh Street, Harrisburg, PA 17105-2675. Replace existing inadequate treatment plant in Todd Township, **Huntingdon County**.

Permit No. 2294401. Sewerage. Amendment No. 1. **West Hanover Township Water and Sewer Authority**, 7171 Allentown Boulevard, Harrisburg, PA 17112. Additions to West Hanover Township wastewater Treatment facility in West Hanover Township, **Dauphin County**.

Permit No. 0596407. Sewerage. **Vincent J. Capricci**, 11701 Woodlea Drive, Waynesboro, PA 17268. Construction of single family sewage treatment facilities located in Monroe Township, **Bedford County**.

Permit No. 0696409. Sewerage. **William Morche**, 25B Douglass House, Douglassville, PA 19518. Construction of single family sewage treatment facilities located in Pike Township, **Berks County**.

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

Location: Borough of Mount Pocono, **Monroe County**.

Project Description: The Department has completed its review of the Act 537 Official Sewage Plan (Plan) for Mt. Pocono Borough, Monroe County, dated March 1996 and revised May 1996, including the following letters from R.K.R. Hess Associates:

- July 16, 1996, when the Checklist was submitted,
- August 8, 1996, when revisions to Section 4, Alternatives Analysis, and Section 5, Cost Analysis were submitted,

- September 6, 1996, when PENNVEST Items were addressed, and
- November 22, 1996, when the Department's November 8, 1996 letter was addressed.

The Department has found that the Plan is now acceptable and hereby grants planning approval.

The Planning Area consists of the corporate limits of Mt. Pocono Borough; and two areas, in Coolbaugh Township, that are tributary to Mt. Pocono's Sanitary Sewerage System. These areas are denoted as the Summit Pointe development, and the Pocono Mountain Business Park.

The chosen alternative, denoted as Alternative A, consists of phased expansion of the existing sewage treatment plant to a capacity of 1,000,000 gallons per day over the 20-year planning period to meet the needs of the planning area. Subdivisions will analyze alternatives to stream discharge before connecting to the public sanitary sewer system.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.2(a)) (Act 537) and Chapter 71 of the Department's regulations, 25 Pa. Code Chapter 71, the Department will hold Mt. Pocono Borough responsible for complete and timely implementation of the chosen alternative, as stated in the Plan's Resolution of Adoption and in the Schedule for Implementation Section of the Plan.

Conceptual approval leaves the following to be addressed at a later date: (a) the effluent limitations to satisfy special protection requirements and to protect health, and (b) specific treatment technologies. Tentative effluent limits were transmitted to Hess Associates via the Department's letter, dated October 30, 1995.

Location: Coleen Setzer property located at 6608 Church Road, about 1/2 mile north of intersection with West Park Avenue, Heidelberg Township, **Lehigh County**.

Project Description: This project proposes a small flow treatment plant to replace a malfunctioning onlot septic system on a 1.4 acre lot. Soil tests performed on the lot revealed no suitable locations for a replacement onlot disposal system. The proposed 400 gpd of sewage flows would be treated in a Jet model J-500 aerobic treatment tank (NSF Class 1 Classification), disinfected with a Jet Model 100 Home Tablet Chlorinator in a 200 gallon chlorine contact tank and discharged into a 300 square foot infiltration gallery constructed at shallow depth in an existing natural wetland on the property. An existing well serves the property.

Acceptance of this revision is conceptual. Effluent limits will be established for this treatment unit at time of application for the NPDES Permit.

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.

Permit No. 1596505. Public water supply. **London Grove Mobile Home Park**, c/o R. M. Kunkle, 446 Jefferson Avenue, Downingtown, PA 19335. London Grove Mobile Home Park has been issued a permit for the existing groundwater public water supply system in London Grove Township, **Chester County**.

Type of Facility: Existing Mobile Home Park.

Consulting Engineer: Evans Mill Environmental, Inc., P. O. Box 735, Uwchland, PA 19480.

Northwest Regional Office, Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

Permit No. 6296501. Wilderness Mobile Home Park, Locust Street, Warren, PA 16365. This proposal involves the construction of a new well (well no. 2); and the construction of a new storage tank in Pleasant Township, **Warren County**.

Type of Facility: Public water supply.

Consulting Engineer: Robert L. Rabell, 10560 Walnut Street, Albion, PA 16401.

Permit to Construct Issued: December 2, 1996.

Acknowledgment of Notices of Intent to Remediate

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordi-

nator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

Ashland Chemical Company, Freedom Borough, **Beaver County**. Ashland Chemical Company, P. O. Box 2219, Columbus, OH 43216 has submitted a Notice of Intent to Remediate soil contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on November 6, 1996.

Notice of Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), hereby gives notice that a prospective purchaser agreement (PPA) associated with the purchase of the Hatboro Borough Authority's Water System (Water System) which is impacted by the Jacksonville Road [Raymark] Site, has been entered into by the Department, the United States Environmental Protection Agency and Philadelphia Suburban Water Company (PSWC).

The Jacksonville Road [Raymark] Site (Site) is on the National Priorities List and is currently undergoing remediation. A portion of the Water System is being used to implement the remedy selected for the Site. PSWC, the prospective purchaser of the Water System is not presently a responsible person who is liable for response costs at the Site. However, if PSWC acquires the Water System, it could become liable as an owner of the Site, under section 701 of HSCA and Section 107 of CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C.A. § 9601 et seq.).

The PPA would resolve certain potential Department claims under section 507 of HSCA (35 P. S. § 6020.507) against PSWC, the prospective purchaser of the Hatboro Borough Authority Water System. The PPA would require PSWC to pay \$60,000 to the United States, \$12,000 to the Commonwealth, provide Site access, cooperate fully with all response activities, and exercise due care to protect the public health and safety at the Site. Upon submitting this payment under the final PPA, PSWC resolves its liability with the Department and is eligible for contribution protection under HSCA regarding matters addressed in the PPA, as provided in section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)).

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section also provides that the PPA will become final upon the filing of the Department's response to any significant written comments. The PPA that contains the specific terms of the settlement is available for public review and comment. The PPA can be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Thomas Sheehan at (610) 832-6149. The public comment period on the PPA will extend until February 21, 1997. Persons may submit written comments regarding the PPA to the Department by that date by submitting them to Thomas Sheehan at the above address.

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit No. WMGR044. E-Z Ship Recycling, Inc., 635 Butler Street, Pittsburgh, PA 15223-0504. A permit for the processing of waste tires and the beneficial use of the tire-derived material (TDM). The permit was issued by Central Office on December 3, 1996.

Persons interested in reviewing the permit may contact the Residual Waste Coordinator in one of the Department's Regional Offices or the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Permit modified under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permits No. WMGR002, WMGR002D001 and WMGR002D002 issued February 4, 1994, March 17, 1995, and February 13, 1996, respectively, for the beneficial use of paper and pulp mill wastewater treatment sludge as a soil additive to facilitate revegetation on disturbed land at permitted and at abandoned mine sites. The Department modified the permit by adding a condition that requires permittees to submit a chemical analysis for each new source of paper and pulp mill wastewater treatment sludge to the Department 15 days prior to waste application. The permits were modified in Central Office on November 5, 1996.

Beneficial use approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

Regional Office, Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

Beneficial Use Request No. BU30033. Youngs Composting, Young's Sales & Service, Inc. (605 Range End Road, Dillsburg, PA 17019). Beneficial use of composted sewage sludge for commercial marketing for a site in Washington Township, **York County**. Beneficial use order issued in the Regional Office November 19, 1996.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.

Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4588.

A. 602666. Hewitt E. Line Farm, Associated Products Company (2 East Road, Mechanicsburg, PA 17055). Application for permit renewal for operation of an agricultural utilization of sewage sludge site in South Middleton Township, **Cumberland County**. Permit issued in the Regional Office December 5, 1996.

Permit No. 603396. Conewago Township Sewer Authority Plant Property, Conewago Township Sewer Authority (490 Copenhaffer Road, York, PA 17404). Application for operation of an agricultural utilization of sewage sludge site in Conewago Township, **York County**. Permit issued in the Regional Office on December 5, 1996.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office, Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 301285. Schuylkill Yankee Realty, Yankee Point Terminal, 61st Street and West Passyunk Avenue, Philadelphia, PA 19153. This permit was issued for the bulk storage and transfer, by truck and/or barge, for nonhazardous residual wastes. Facility located in the City of Philadelphia. Permit issued in the Southeast Regional Office on December 4, 1996.

Permit No. 600785. Browning-Ferris, Inc. d/b/a BFI Organics, 1 Briar Lane, West Grove, PA 19390. This Permit renewal is for the agricultural utilization of municipal sewage sludges from the Downingtown, Goose Creek and the Norristown Sewage Treatment Plants on the Hannum Farm located in East Marlborough and West Marlborough Township, **Chester County**. Permit renewal issued in the Southeast Regional Office on November 27, 1996.

Applications denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Regional Office, Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

A. 603445. Balsbaugh I and Balsbaugh II Farms, City of Philadelphia, (ARA Tower, 4th Floor, 1101 Market Street, Philadelphia, PA 19107-2994). Application was denied due to failure to respond to technical deficiency in the application. Application denied in the Regional Office November 22, 1996.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-302-203**

Source: Boiler

Issued: November 23, 1996

Company: **Abington Memorial Hospital**

Location: Abington

County: **Montgomery**

Permit: **23-312-203**

Source: Alkylate Storage Tank #166

Issued: November 18, 1996

Company: **Sun (R&M), Inc.**

Location: Marcus Hook

County: **Delaware**

Permit: **46-301-261A**

Source: Sewage Sludge Incinerator

Issued: November 18, 1996

Company: **Upper Moreland-Hatboro Sewer Authority**

Location: Upper Moreland

County: **Montgomery**

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-46-0077**

Source: Facility NOx

Issued: November 19, 1996

Company: **Doehler-Jarvis Pottstown, Inc.**

Location: West Pottsgrove

County: **Montgomery**

Permit: **OP-23-0033**

Source: Synthetic Minor VOC Facility

Issued: November 19, 1996

Company: **Dee Paper**

Location: Chester

County: **Delaware**

Permit: **OP-15-0005**

Source: Facility NOx sources

Issued: November 19, 1996

Company: **West Chester University**

Location: West Chester

County: **Chester**

Permit: **OP-15-0033**

Source: Synthetic Minor sources

Issued: December 3, 1996

Company: **Dept. of Public Welfare-Embreeville Center**

Location: Lower Pottsgrove

County: **Montgomery**

The Department transferred the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **OP-15-0038**

Source: Minor Facility for VOC

Company: **Progressive Ink, LLC**

Location: Lionville

County: **Chester**

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate and operate air contaminant sources or air cleaning devices.

Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **23-399-029**

Source: Polishing Booth

Issued: November 18, 1996

Company: **Boeing Defense & Space Group**

Location: Ridley

County: **Delaware**

Permit: **23-312-054C**

Source: Gasoline Storage Tank No. 19

Issued: November 18, 1996

Company: **Laurel Pipe Line, L. P.**

Location: Bethel

County: **Delaware**

Permit: **46-310-047**

Source: Portable Crushing Plant

Issued: November 18, 1996

Company: **Pottstown Trap-Rock Quarries, Inc.**

Location: Lower Pottsgrove

County: **Montgomery**

Permit: **46-327-016**

Source: Vapor Degreaser No. 3

Issued: November 21, 1996

Company: **Uniform Tubes, Inc.**

Location: Trappe

County: **Montgomery**

Permit: **09-399-033**

Source: Zinc Arc Spray System

Issued: November 21, 1996

Company: **American Flexible Conduit**

Location: Bensalem

County: **Bucks**

Permit: **23-310-013A**

Source: Stone Crushing Plant

Issued: November 22, 1996

Company: **Milestone Materials, Inc.**

Location: Thornbury

County: **Delaware**

Permit: **46-313-117C**

Source: Carbon Adsorption Concentrator Unit

Issued: November 26, 1996

Company: **Merck & Co., Inc.**

Location: Upper Gwynedd

County: **Montgomery**

Permit: **46-329-011A**

Source: Emergency Generator

Issued: December 3, 1996

Company: **Merck & Co., Inc.**

Location: Upper Gwynedd

County: **Montgomery**

Permit: **46-318-047**

Source: Nine (9) Spray Booths

Issued: December 3, 1996

Company: **Knoll, Inc.**

Location: East Greenville

County: **Montgomery**

The Department has amended the following air quality plan approval for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **23-302-127**

Source: Boiler

Administrative Amendment: November 8, 1996

Company: **Sun Refinery Marketing, Inc.**

Location: Marcus Hook

County: **Delaware**

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

22-301-060. On December 6, 1996, the Department issued a Plan Approval to **Pinnacle Health at Polyclinic Hospital** (2601 North Third Street, Harrisburg, PA 17110) for the construction of a bio-oxidizer system in the City of Harrisburg, **Dauphin County**.

36-313-030D. On December 2, 1996, the Department issued a Plan Approval to **Warner-Lambert Company** (400 West Lincoln Avenue, Lititz, PA 17543) for the modification of a pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**.

38-318-025A. On December 6, 1996, the Department issued a Plan Approval to **Kountry Kraft Kitchens, Inc.** (P. O. Box 570, Newmanstown, PA 17073) for the construction of a kitchen cabinet paint finish line controlled by dry filters in Millcreek Township, **Lebanon County**.

22-323-005A. On November 27, 1996, the Department issued a Plan Approval to **Metal Industries of California, Metal Industries, Inc.** (R. D. 1, Box 148A, Millersburg, PA 17061) for the construction of a paint cleaning oven controlled by an afterburner in Upper Paxton Township, **Dauphin County**.

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-04-684A. On November 21, 1996, a Plan Approval was issued to **Beaver Valley Aggregates, Inc.** (1150 Brodhead Road, Monaca, PA 15061) for a slag processing plant at its Aliquippa Site located in Hopewell Township, **Beaver County**.

PA-04-570A. On November 21, 1996, a Plan Approval was issued to **Midland Slag Processors**, (303A Smiths Ferry Road, Midland, PA 15059) for a slag processing plant at its facility located in Ohioville Borough, **Beaver County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

37-345-010. On November 15, 1996, a Plan Approval was issued to **INMETCO** (P. O. Box 720, Ellwood City, PA 16117) for a sludge/cake dryer at Ellwood City, **Lawrence County**.

43-329-002A. On November 20, 1996, a Plan Approval was issued to **Atlas Resources, Inc.** (311 Rouser Rd., P. O. Box 611, Moon Township, PA 15108) for an engine and dehydrator at Coolspring Township, **Mercer County**.

62-329-005A. On November 20, 1996, a Plan Approval was issued to **Elkhorn Operating Co.** (8801 S. Yale St., Suite 420, Tulsa, OK 74137) for natural gas compressor engines at Sheffield Township, **Warren County**.

25-318-122. On December 6, 1996, a Plan Approval was issued to **Union City Chair Co.** (18 Market St., Union City, PA 16438) for a spray paint booth at Union City, **Erie County**.

10-313-050. On December 9, 1996, a Plan Approval was issued to **II-VI, Inc.** (375 Saxonburg Blvd., Saxonburg, PA 16056) for a scrubber system at Clinton Township, **Butler County**.

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a plan approval permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Department has issued the following Air Quality Plan Approval Permit for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **PA-15-0009A**

Source: Poly Terta Fluoro Ethylene

Issued: November 22, 1996

Company: **ICI Fluoropolymers**

Location: Caln

County: **Chester**

Plan approval extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contaminant sources or air cleaning devices.

Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

63-311-006. On November 22, 1996, a Plan Approval expiration date was extended to November 1, 1997 for **Martin Marietta Aggregates** (120 Mallard Street, Suite 300, St. Rose, LA 70087) for a concrete production and distribution process at its Charleroi Plant located in Charleroi Borough, **Washington County**.

11-308-012D. On November 22, 1996, a Plan Approval expiration date was extended to May 1, 1997 for **SCM Metal Products, Inc.** (101 Bridge Street, Johnstown, PA 15902) for a screen and dryers at its Johnstown Plant located in Johnstown, **Cambria County**.

General Plan Approval and Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

General Plan Approval and Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Quality Chemicals, Inc.

Tyrone Borough, **Blair County**

Sources: Boiler Units 2 and 3

Date Issued: December 4, 1996

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits

issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Coal Permits Issued

17960108. Cougar Contracting, Inc. (P. O. Box 217, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 9.3 acres, receiving streams unnamed tributaries of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to west branch Susquehanna River, application received May 6, 1996, permit issued November 22, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

33950105. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), revision to an existing bituminous strip operation to add auger mining in Snyder Township, **Jefferson County** affecting 105.0 acres. Receiving streams three unnamed tributaries to Walburn Run and Walburn Run. Application received September 23, 1996. Permit issued November 6, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

56851303. Rox Coal, Inc. (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Barbara No. 1 and No. 2 in Stoneycreek and Brothersvalley Townships, **Somerset County** to add 29.3 surface and 9.0 Lower Kittanning seam permit acres, receiving stream unnamed tributary to Reitz Creek, no additional discharge. Permit issued November 27, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40810108T. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), transfer of an existing anthracite surface mine operation in Plains Township, **Luzerne County** affecting 82.0 acres, receiving stream none. Transfer issued December 5, 1996.

40940101T. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), transfer of an existing anthracite surface mine operation in Laflin Borough and Plains Township, **Luzerne County** affecting 117.0 acres, receiving stream none. Transfer issued December 5, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

40860301T. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), transfer of an existing quarry operation in Newport Township, **Luzerne County** affecting 51.7 acres, receiving stream Newport Creek. Transfer issued December 5, 1996.

5476SM4A1C. Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038), correction to an existing quarry operation in Montgomery Township, **Montgomery County** affecting 23.7 acres, receiving stream unnamed tributary to Neshaminy Creek. Correction issued December 5, 1996.

09870302C2. Delaware Valley Concrete Co., Inc. (248 East County Line Road, Hatboro, PA 19040), renewal of NPDES Permit #PA0036421 in Tinicum Township, **Bucks County**, receiving stream Delaware River. Renewal issued December 6, 1996.

7474SM2C3. ESSROC Materials, Inc. (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit #PA0124303 in Upper and Lower Nazareth Townships, **Northampton County**, receiving stream unnamed tributary to Shoeneck Creek. Renewal issued December 6, 1996.

7475SM10A1C. ESSROC Materials, Inc. (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit #PA0123242 in Nazareth Borough and Upper Nazareth Township, **Northampton County**, receiving stream unnamed tributary to east branch of Monocacy Creek. Renewal issued December 6, 1996.

8073SM4C2. Pottstown Trap Rock Quarries, Inc. (394 Sanatoga Road, Pottstown, PA 19464), renewal of NPDES Permit #PA0594849 in Lower Pottsgrove Township, **Montgomery County**, receiving stream Sanatoga Creek. Renewal issued December 6, 1996.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Industrial Mineral Authorizations Granted

41960801. D. Richard Snyder (R. D. 1, Box 1, Montoursville, PA 17754), commencement, operation and restoration of a Small Industrial Mineral (Topsoil) Permit in Loyalsock Township, **Lycoming County** affecting 5 acres, application received August 5, 1996, authorization granted December 3, 1996.

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); section 302 of the Flood Plain Management Act (32 P. S. § 679.302); sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certification

Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E08-297. Encroachment. Smithfield Township Supervisors, R. R. 1, Milan, PA 18831. To remove the existing structure and to construct and maintain a 5 foot high by 12 foot wide precast box culvert, depressed 6 inches with an effective underclearance of 4 feet 6 inches and length of 21 feet in Peas Creek. The project is located on T-623 about 500 feet east of SR 4011 (Ulster, PA Quadrangle N: 17.1 inches; W: 16.3 inches) in Smithfield Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E08-302. Encroachment. Department of Transportation, 715 Jordan Ave., Montoursville, PA 17754. Remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a normal clear span of 52 feet and an average underclearance of 14 feet on a 60 degree right skew plus an associated temporary bridge with a single span of 78 feet and an underclearance of 3.5 feet across Buck Creek located at the Ulster Township and Athens Township boundary line on SR 0220 (Sayre, PA Quadrangle N: 6.3 inches; W: 3.3 inches) in Ulster and Athens Townships, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-201. Encroachment. Municipal Authority of Sunbury, 225 Market St., Sunbury, PA 17801. To maintain an existing levee and concrete wall flood protection project along the Susquehanna River and Shamokin Creek (Sunbury, PA Quadrangle N: 20.5 inches; W: 6.5 inches) in the City of Sunbury, **Northumberland County**.

E49-202. Water obstruction and encroachment. Masser's Inc., P. O. Box 88, Paxinos, PA 17860. To construct and maintain a 7 foot diameter steel pipe stream enclosure, 328 feet long, in Lick Creek. This project is located downstream of SR 61 just west of its intersection with SR 487 (Shamokin, PA Quadrangle N: 18.0 inches; W: 12.5 inches) in Shamokin Township, **Northumberland County**.

E59-331. Encroachment. Morris Township, P. O. Box 66, Morris, PA 16938. To remove the existing structure and to construct and maintain an 87 inch × 137 inch CMP arch culvert about 30 feet long, depressed 6 inches below stream bed in Dixie Run and crossing T-309 about 2.2 miles southeast of SR 414 (Morris, PA Quadrangle N: 9.5 inches; W: 8.8 inches) in Morris Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-293. Encroachment. Pa. Historical and Museum Comm., Pa. Military Museum, P. O. Box 160A, Boalsburg, PA 16827. To construct and maintain a 40 foot long wooden pedestrian bridge with a span of 35 feet and underclearance of 6 feet across Spring Creek. This project is located just downstream of the Boalsburg Pike bridge about 700 feet north of Business Route 322 (State College, PA Quadrangle N: 5.5 inches; W: 6.0 inches) in Harris Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-158. Encroachment. Dept. of Transportation, P. O. Box 218, Montoursville, PA 17754. To place approxi-

mately 340 cubic yards of fill in the floodway of South Branch Roaring Creek located on SR 0487 at the intersection of SR 0487 and T-318 (Danville, PA Quadrangle N: 1.5 inches; W: 1.0 inch) in Franklin Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects."

E41-380. Encroachment. **Transcontinental Gas Pipeline Corp.**, P. O. Box 405, Salladasburg, PA 17740. To remove unvegetated gravel and to place and maintain about 900 linear feet of fill and riprap along bank of Loyalsock Creek. This project is located near Rt. 87 about 1.5 miles north of Rt. 180 (Montoursville North, PA Quadrangle N: 5.5 inches; W: 5.6 inches) in Fairfield Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-288. Encroachment. **Ulysses Twp. Supervisors**, R. R. 1, Box 220, Ulysses, PA 16948. To remove the existing structure and to construct and maintain a 121 inch by 173 inch corrugated metal culvert with a length of 30 feet in Middle Branch of the Genesee River. The project is located on T-450 about 400 feet east of SR 449 (Ulysses, PA Quadrangle N: 5.2 inches; W: 12.4 inches) in Ulysses Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-293. Encroachment. **John Rigas, c/o Adelphia Cable Comm.**, 5 West Third St., Coudersport, PA 16915. To construct and maintain an 8 feet wide by 10 feet by 10 feet high cable television control building and a 10 feet wide by 20 feet long transformer pad with a 35 inch wide by 40 inch long by 25 inch high transformer for commercial use in the floodway of Allegheny Creek. The project is located behind the warehouse on the right at the end of Bank St. (Coudersport, PA Quadrangle N: 3.8 inches; W: 219 inches) in Coudersport Borough, **Potter County**. This permit was issued under section 105.13(e) "Small Projects."

E59-330. Encroachment. **Richard Haldeman**, 1241 Highspire Rd., Downingtown, PA 19335. Remove an existing structure and to construct and maintain a single span concrete buttressed steel I-beam bridge for private, single residence access across the Gorman Branch of Elk Run. The proposed bridge shall be constructed with a span of 8.67 feet, an underclearance of 1.65 feet and width of 12.0 feet. The project is located along the western right-of-way of SR 3001 approximately 1.1 miles north of the intersection of SR 3001 and T-397 (Marshlands, PA Quadrangle N: 13.4 inches; W: 12.5 inches) in Gaines Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

EA17-001NC. Environmental assessment. **Clearfield Area School Dist.**, P. O. Box 710, Clearfield, PA 16830. To remove a 320 foot enclosure and reestablish an open flow channel in an unnamed tributary to the west branch Susquehanna River. The project is located 850 feet north of the intersection of Mt. Joy Road (SR 1006) and High Level Road (SR 1020) (Clearfield, PA Quadrangle N: 6.8 inches; W: 8.9 inches) in Lawrence Township, **Clearfield County**.

Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E64-171. Encroachment. **John C. and Helen G. Kohrs**, R. R. 2, Box 2215, Beach Lake, PA 18405. To excavate the reservoir area of two nonjurisdictional dams

(0.46 acre combined surface area) to create a single 2.0 acre pond to be used for fire protection and recreation. This project is located 0.3 mile northeast of the intersection of S. R. 1004 and T-517 along the west side of S. R. 1004 (Damascus, PA Quadrangle N: 2.8 inches; W: 14.1 inches) in Damascus Township, **Wayne County**.

E66-106. Encroachment. **Roy W. Piper**, P. O. Box 460, Tunkhannock, PA 18657-0460. To construct and maintain a 22-foot high embankment fill, 190 linear feet of gabion basket retaining wall having a height of 9 feet along the base of the fill and riprap slope protection above the retaining wall to stabilize the fill in the floodway of Tunkhannock Creek. The fill is also being placed in 0.07 acre of wetlands and is being constructed to provide buildable area for future development. This project is located on the south side of S. R. 0006 approximately 0.2 mile west of S. R. 0092 (Tunkhannock, PA Quadrangle N: 6.8 inches; W: 8.9 inches) in Tunkhannock Borough, **Wyoming County**. The permittee is required to provide 0.10 acre of replacement wetlands.

Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permits Issued

E02-1156. Encroachment. **Joseph J. Shamrock**, 3903 New Texas Road, Pittsburgh, PA 15239. To operate and maintain a 15.3 foot long R. C. box culvert having a span of 10 feet with an underclearance of 4.5 feet in an unnamed tributary to Little Plum Creek to provide access to an existing garage. The culvert is located on the west side of New Texas Road and S. R. 380 (Murrysville, PA Quadrangle N: 21.0 inches; W: 16.5 inches) in Plum Borough, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1161. Encroachment. **Imports by Day, Inc.**, 1580 Golden Mile Highway, Monroeville, PA 15146. To place and maintain fill in a de minimus area of wetland less than or equal to 0.05 acre and to construct and maintain a 15-inch CPE outfall pipe along the right side of Abers Creek for the purpose of expanding a parking lot. The project is located on the east side of Route 286 approximately 0.5 mile north of the Route 22 and Route 286 interchange (Murrysville PA Quadrangle N: 10.0 inches; W: 12.9 inches) in Monroeville Borough, **Allegheny County**.

E02-1165. Encroachment. **Allegheny County**, 501 County Office Bldg., 542 Forbes Ave., Pittsburgh, PA 15219. To rehabilitate and maintain the Glenwood Bridge across the Monongahela River located on SR 885 near River Mile 6.0 approximately 6,800 feet downstream from the Homestead Bridge (Pittsburgh East, PA Quadrangle N: 4.1 inches; W: 8.4 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1167. Encroachment. **Dasco Company**, 1200 Corporate Ctr. Way, Ste. 100, West Palm Beach, FL 33414. To construct and maintain a parking area within the floodway and a 12-inch PVC outfall structure along the left bank of McLaughlin Run for a proposed medical office building. The project is located at 45 McMurray Road (Bridgeville, PA Quadrangle N: 14.7 inches; W: 9.3 inches) in St. Clair Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E03-358. Encroachment. **West Franklin Township**, R. R. 1, Worthington, PA 16262. To operate and maintain

a 5-foot smooth metal pipe culvert authorized for construction under Emergency Permit No. EP0396203 in an unnamed tributary to Buffalo Creek. The culvert is located on T-324 approximately 0.7 mile east of the Butler-Armstrong County Line (Worthington, PA Quadrangle N: 22.2 inches; W: 8.4 inches) in West Franklin Township, **Armstrong County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E04-239. Encroachment. **Dale P. Peirce**, 151 Country Club Drive, Ellwood City, PA 16117. To construct and maintain a 25-foot by 30-foot two-stall garage with above storage area in the floodway of Connoquenessing Creek. The garage will be located along Country Club Drive approximately 0.5 mile east of the intersection of Country Club Drive and SR 65 (Beaver Falls, PA Quadrangle N: 16.0 inches; W: 2.8 inches) in North Sewickley Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E26-228. Encroachment. **Springdale Golf Club**, R. R. 2, Box 335B, Smithfield, PA 15478. To expand and maintain an existing pond located in and along Jennings Run for the purpose of irrigating the Springdale Golf Course. The surface area of the pond will increase from 2 acres to 4 acres as a result of this project. The pond is located at the Springdale Golf Course along SR 0021 approximately 0.4 mile west of the intersection of T-584 with SR 0021 (New Salem, PA Quadrangle N: 4.8 inches; W: 3.2 inches) in South Union Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-375. Encroachment. **Armstrong Township**, R. R. 3, Box 10, Shelocta, PA 15774. To remove the existing structure and to construct and maintain a 40-foot long, 64-inch x 43-inch CM arch pipe culvert in Cheese Run located on T-430 approximately 320 feet south of intersection of T-430 and T-412 (Ernest, PA Quadrangle N: 4.1 inches; W: 13.7 inches) in Armstrong Township, **Indiana County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-377. Encroachment. **Indiana County Commissioners**, 825 Philadelphia Street, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 75.75 feet and an underclearance of 14.43 feet across Crooked Creek for the purpose of providing access for local residents and a produce supplier. The project is located on T-415 approximately 3 miles west of the intersection of State Route 954 and State Route 110 (Ernest, PA Quadrangle N: 7.1 inches; W: 15.5 inches) in Armstrong Township, **Indiana County**.

E63-420. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain the existing twin 84-inch diameter culverts depressed 1.5 feet below the natural stream bed and constructed under Emergency Permit EP6396205 in Kings Creek located on SR 4003, Sta 71+74, Segment 0040, Offset 000 (Burgettstown, PA Quadrangle N: 12.3 inches; W: 12.1 inches) in Hanover Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-721. Encroachment. **Newtown Enterprises**, P. O. Box 8297, Trenton, NJ 08650. To construct a stormwater management facility on an unnamed tributary to Hough Creek (WWF) impacting approximately 1,080 feet of stream channel, adjacent floodway and 0.02 acre of wetland impact associated with the proposed Eagleton Farms Subdivision located near the intersection of Stoopville Road and Eagle Road (Lambertville, PA-NJ Quadrangle N: 3.4 inches; W: 10.7 inches) in Newtown Township, **Bucks County**. Issuance of this permit constitutes approval of the Environmental Assessment for a nonjurisdictional earthen stormwater detention dam proposed at the project site.

Southcentral Regional Office, Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E07-257. Encroachment. **Fred C. Babcock**, President, Babcock Lumber Company, 5410 Sixth Avenue, Altoona, PA 16602. To place fill material in the floodway of the Frankstown Branch of the Juniata River for the purpose of constructing a wholesale building material distributorship located along the east side of S. R. 3013 about 0.3 mile north of its intersection with S. R. 3008 (Roaring Springs, PA Quadrangle N: 12 inches; W: 9.7 inches) in Greenfield Township, **Blair County**.

E21-250. Encroachment. **Highlands of Hampden Square Partnership**, Richard Yingst, 7100 Fishing Creek Valley Road, Harrisburg, PA 17112. To place fill in a 0.23 acre of wetland for a housing development located about 3,400 feet east of Orrs Bridge Road (Harrisburg West, PA Quadrangle N: 4.36 inches; W: 11.7 inches) in Hampden Township, **Cumberland County**.

E21-251. Encroachment. **Rodney L. Krebs**, Bowmans Village Partners, 2171 Tall Oaks Lane, York, PA 17403. To excavate a de minimus area of wetlands for the purpose of constructing a stormwater detention pond as part of the overall development of a residential subdivision known as Bowmans Village located along Bumble Bee Hollow Road near its intersection with SR 0114 (Lemoyne, PA Quadrangle N: 8.5 inches; W: 15.5 inches) in Upper Allen Township, **Cumberland County**.

E22-354. Encroachment. **Wayne Township Supervisors**, Gary Miller, P. O. Box E, Halifax, PA 17032. To remove an existing structure and to construct and maintain twin reinforced concrete box culverts having spans of 18 feet and rises of 8 feet in Powell Creek for public highway maintenance purposes located on Union Church Road about 0.4 mile south of its intersection with SR 4013 (Enders, PA Quadrangle N: 16.25 inches; W: 8.70 inches) in Wayne Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E28-240. Encroachment. **Franklin County Commissioners**, John Hart, Chief Clerk, 157 Lincoln Way East, Chambersburg, PA 17201. To perform maintenance on an existing bridge across the Conococheague Creek by replacing a reinforced concrete support beam and widening the bridge deck for highway maintenance purposes located on Etter Road (T-456) about 1.2 miles east of its intersection with Loop Road (T-489) (Chambersburg, PA Quadrangle N: 5.0 inches; W: 9.75 inches) in Guilford and Hamilton Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-573. Encroachment. **Department of Transportation**, District 8-0, John Rautzahn, York County, 2140

Herr Street, Harrisburg, PA 17103-1699. To extend an existing 10 feet wide by 6 feet high by 151 feet long concrete box culvert 13 feet southward on SR 0030 over a tributary to Mill Creek (York, PA Quadrangle N: 19.5 inches; W: 10.6 inches) in Springettsbury Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Permits Issued and Actions on 401 Certification

Central Office, Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.

Environmental Assessment Approvals and Actions on 401 Certification

EA39-005C0. Environmental assessment. **T.C.A.S., Inc.**, 1209 Hausman Road, Allentown, PA 18104. To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Little Cedar Creek (HQ-CWF) for the purpose of stormwater management at the proposed T.C.A.S., Inc. commercial center located approximately 1,200 feet southwest of the intersection of S. R. 309 and Ridgeview Drive (T-600) Allentown West, PA Quadrangle N: 18.9 inches; W: 9.4 inches) in South Whitehall Township, **Lehigh County**.

SPECIAL NOTICES

Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications Under The Clean Streams Law; Notice of Availability

The Department of Environmental Protection (DEP) has finalized its policy setting forth a process for prioritizing and reviewing minor NPDES permit renewal applications under sections 202 and 307 of The Clean Streams Law and Chapter 92 of the Department's regulations.

Section 202 of The Clean Streams Law provides that no municipality or person shall discharge or permit the discharge of sewage in any manner, directly or indirectly, into waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the department. Section 307 provides that no person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth

unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the Department. Chapter 92 sets forth substantive and procedural requirements for wastewater discharges to surface waters.

The policy streamlines the NPDES minor permit renewal process by allowing permit application reviews to be conducted based on the results of a prioritization evaluation. The prioritization focuses on the current environmental significance of the discharge and the legal status of the permittee. Permittees who are in compliance with their existing permit, have made no major changes over the life of the permit, and are causing no known water quality impairment receive an expedited application review. The accelerated review process allows the Department permit reviewer to accept previous water quality modeling efforts if they reasonably reflect up to date information on the discharge and stream conditions, and the original calculations are accurate in all material respects. This policy ensures more timely action on minor NPDES renewal applications, and enables DEP to apply the resultant savings in staff time to higher priority cases.

Persons wishing to obtain a copy of the policy may request it from the Bureau of Water Quality Protection, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-8184, or by Internet E-mail (Gansell.Stuart@al.dep.state.pa.us).

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of November 1996, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Margie Gordon	125 Nevins Way Coatesville, PA 19320	Testing
John W. Marryott, Sr. Radonics, Inc.	P. O. Box 145 Washington Crossing, PA 18977	Testing
Mark Matrozza Microbac Labs—McKnight Division	4580 McKnight Road Pittsburgh, PA 15237	Testing
Thomas Poole Testing Services, Inc.	13 East Willow Terrace Drive Mechanicsburg, PA 17055	Testing Mitigation
Kenneth L. Struder Pennsylvania Home Inspections	1375 Viking Drive Downingtown, PA 19335	Testing Laboratory
Kenneth Wiggers American Radon Services, Ltd.	R. R. 1, Box 93 Kelley, IA 50134-8724	Laboratory

[Pa.B. Doc. No. 96-2145. Filed for public inspection December 20, 1996, 9:00 a.m.]

Chesapeake Bay Advisory Committee to the State Conservation Commission; Meeting Dates

Meetings of the Chesapeake Bay Advisory Committee to the State Conservation Commission for 1997 are scheduled for the following dates:

March 6, 1997	10 a.m.-12 noon
June 3, 1997	9 a.m.-12 noon
September 4, 1997	9 a.m.-12 noon
December 4, 1997	9 a.m.-12 noon

All meetings have been scheduled for the 10th Floor Conference Room, Rachel Carson State Office Building.

Contact: Russell Wagner, Bureau of Water Quality Protection, at (717) 772-5642, or e-mail Wagner.Russell@a1.dep.state.pa.us.

This schedule and an agenda for each meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Sharon Freeman directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-2146. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

Project No. DGS A 251-476. Addition/Renovation to Driver Licensing Facility, Bortondale, Delaware County, PA. Construction cost: \$450,000. The scope of work includes, but is not limited to, complete renovation of and an addition to the existing facility including license processing area; secure computer area; office and storage area. Replacement of the existing HVAC system with a system to include the existing facility and the addition. Upgrades to the existing electrical systems and a new electrical system for the addition. Miscellaneous site work also included.

Project No. DGS 964-25. Construction and Renovation, Johnstown Armory, Cambria County, PA. Construction cost: State Funds of \$1,500,000 and Federal Funds of \$3,309,500. The scope of work includes, but is not limited to, renovation of existing facility and construction of an addition to provide for a 500 person armory with offices, locker rooms, supply rooms, arms fault, drill hall, classrooms, flammable storage building, kitchen, physical fitness area, and the like.

Project No. DGS 972-5. Construction of a Regional Storage Facility, Landis Valley Museum, Lancaster, Lancaster County, PA. Construction cost: \$1,815,000. The scope of work includes, but is not limited to, a storage facility (approximately 150,000 sq. ft.) for warehousing of museum historic artifacts collections. Controlled/secure

access with direct on-grade loading docks. Provide HVAC temperature and humidity controls. Fire/security detection system compatible/connected to system being installed in other buildings on site. Also included are site grading, drainage, building access and landscaping.

Requirements and Information

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, January 17, 1997, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the scope.

The professional agrees to comply with the terms of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-2147. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, January 15, 1997.

The meeting will be held at the Sheraton Inn Harrisburg, 800 East Park Drive, Harrisburg, PA from 10 a.m. to 4 p.m.

For additional information, or if you are a person with a disability and desire to attend the meetings and require an auxiliary aid service, or other accommodation to do so, contact Tom DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108. (717) 783-0574, TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-2148. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractor referenced below has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17) This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 1265-11(e)), this person or this firm, or any firms, corporations or partnerships in which such person or firm has an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,
Secretary

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Larry E. Patterson, d/b/a L. E. Patterson Construction Co. (Fed. ER Tax ID No. 23-2329358)	2034 North Fifth St. Harrisburg, PA 17102-1511 -and/or- P. O. Box 5269 Harrisburg, PA 17110-0269	11/26/96

[Pa.B. Doc. No. 96-2149. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates Per Resident at Pennsylvania State Veterans' Homes

The following per diem rates for residents of Pennsylvania State Veterans' Homes are effective January 1, 1997 through December 31, 1997:

Hollidaysburg Veterans' Home:

Nursing Care	\$138.98
Domiciliary/Personal Care	\$ 85.87

Pennsylvania Soldiers' and Sailors' Home:

Nursing Care	\$135.63
Domiciliary/Personal Care	\$103.01

Southeastern Veterans' Center:

Nursing Care	\$129.66
Domiciliary/Personal Care	\$ 99.41

Northeastern Veterans' Center:
Nursing Care
Domiciliary/Personal Care

\$131.41
\$ 82.79

JAMES MACVAY,
Adjutant General

[Pa.B. Doc. No. 96-2150. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the FY 1997 Low-Income Home Energy Assistance Program State Plan

The Department of Public Welfare is making available to the public *The 1997 Low-Income Home Energy Assistance Program State Plan*. This document describes how the Department plans to use block grant funds provided under the Low-Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 42 U.S.C.A. § 8621 et seq., as amended, during the 1996-97 program year.

Copies of the State Plan are available for all interested individuals and groups at County Assistance Offices, or upon written request to Joan S. Brenner, Director, Division of Cast Assistance, DPW Building Complex No. 2, Room 224 Willow Oak Building No. 42, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users), or may use a Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 96-2151. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Valentine's Day Special Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761.1—3761.15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Valentine's Day Special.

2. *Price:* The price of a Pennsylvania Valentine's Day Special instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Valentine's Day Special instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$2⁰⁰ (TWO), \$4⁰⁰ (FOUR), \$14\$ (FOUR-

TEEN), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and a Heart Symbol (HEART).

4. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$8, \$14, \$28, \$50, \$100, \$200, \$500 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 3,909,600 tickets will be printed for the Pennsylvania Valentine's Day Special instant lottery game.

6. Determination of Prize Winners:

(a) Holders of tickets with two matching play symbols of \$500 (FIV HUN), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with two matching play symbols of \$100 (ONE HUN), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with two matching play symbols of \$50\$ (FIFTY), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with two matching play symbols of \$14\$ (FOURTEEN), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$28.

(h) Holders of tickets with three matching play symbols of \$14\$ (FOURTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$14.

(i) Holders of tickets with two matching play symbols of \$4⁰⁰ (FOUR), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$8.

(j) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOUR) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO), and a Heart play symbol (HEART) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(m) A prize will be paid only for the highest Pennsylvania Valentine's Day Special instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,909,600 Tickets</i>
3-\$2	\$2	1:12	325,800
2-\$2 + Heart	\$4	1:20	195,480
3-\$4	\$4	1:96	40,725
2-\$4 + Heart	\$8	1:96	40,725
3-\$14	\$14	1:80	48,870
2-\$14 + Heart	\$28	1:100	39,096
3-\$50	\$50	1:480	8,145
2-\$50 + Heart	\$100	1:2,000	1,955
3-\$100	\$100	1:4,002	977
2-\$100 + Heart	\$200	1:9,606	407
3-\$500	\$500	1:48,870	80
2-\$500 + Heart	\$1,000	1:97,740	40

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Valentine's Day Special instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Valentine's Day Special, prize money on winning Pennsylvania Valentine's Day Special instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Valentine's Day Special instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Valentine's Day Special or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 96-2152. Filed for public inspection December 20, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

**Cameron, Centre, Clearfield, Clinton, Elk, Juniata,
McKean, Mifflin and Potter Counties**
Reference No. 08430AG2036

The Department of Transportation will retain an engineering firm for an open-end contract to provide supple-

mentary construction inspection staff under the Department's Inspectors-in-Charge to perform construction inspection services on various projects in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties. The contract will include roadway and bridge construction projects, and material plan inspection. The contract will be for a minimum period of 30 months with a minimum cost of \$750,000.

It is anticipated that a maximum supplementary construction inspection staff of 15 inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- Past performance.
- Understanding of Department's requirements, policies and specifications.
- Number of available inspectors in each payroll classification.
- Number of NICET certified inspectors in each payroll classification.
- Ability to provide CPM scheduling.

The qualifications and experience required of the firm's inspectors will be established by the Department for each Work Order, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector— Materials (TCI—Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	11 (11)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of

Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1997 will be the following rates:

<i>Payroll Classification</i>		<i>Rate Per Hour</i>	
Transportation Construction Inspector—Materials	(TCI—M)	\$35.42 (ST)	\$40.53 (OT)
Transportation Construction Inspector	(TCI)	\$34.42 (ST)	\$39.28 (OT)
Technical Assistant	(TA)	\$24.60 (ST)	\$27.00 (OT)

Maximum reimbursable per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting. The maximum rate per hour of inspection includes all costs to have the inspector on the project site.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item, and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Transmittal letters for the letters of interest shall be four pages or less.

A maximum of 14 resumes for the TCI classification and two resumes for the TCI-M classification shall be included with the letter of interest. No resumes are required for the TA classification.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**McKean County
Reference No. 08430AG2037**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately five inspectors, under the

Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0219, Section C04, Tally Ho climbing lanes.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.

b. Past performance.

c. Understanding of Department's requirements, policies and specifications.

d. Number of available inspectors in each payroll classification.

e. Number of NICET certified inspectors in each payroll classification.

f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department for each work order, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	3 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering

Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1997 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>		<i>Payroll Rate</i>	
Transportation Construction Inspector Supervisor (TCIS)		\$38.90 (ST)	\$44.88 (OT)
Transportation Construction Inspector (TCI)		\$34.42 (ST)	\$39.28 (OT)
Technical Assistant (TA)		\$24.60 (ST)	\$27.00 (OT)

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item, and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Transmittal letters for the letters of interest shall be four pages or less.

A maximum of two resumes for the TCIS classification and four resumes for the TCI classifications shall be included with the letters of interest. No resumes are required for the TA classification.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordenez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Cameron, Centre, Clearfield, Clinton, Elk, Juniata, Mifflin, McKean and Potter Counties
Reference No. 08430AG2038

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately five inspectors, under the District's Permit Supervisor, for construction inspection and documentation services on various highway occu-

pancy permit construction projects in Cameron, Centre, Clearfield, Clinton, Elk, Juniata, Mifflin, McKean and Potter Counties.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- Past performance.
- Understanding of Department's requirements, policies and specifications.
- Number of available inspectors in each payroll classification.
- Number of NICET certified inspectors in each payroll classification.
- Ability to provide CPM scheduling.

The qualifications and experience required of the firm's inspectors will be established by the Department for each work order, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (5)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
- Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year

1997 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Payroll Rate</i>
Transportation Construction Inspector (TCI)	\$34.42 (ST) \$39.28 (OT)

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and/or the permittee and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; insure that the specific and general requirements of the permit are carried out in the best interest of the Department; and perform other duties as may be required.

Transmittal letters for the letters of interest shall be four pages or less.

A maximum of six resumes shall be included with the letters of interest.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Mifflin County
Reference No. 08430AG2039**

The Department of Transportation will retain engineering firm to provide supplementary construction inspection staff of approximately 16 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0322, Section B01, Milroy Bypass Project, Mifflin County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- b. Past performance.
- c. Understanding of Department's requirements, policies and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.

f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department for each Work Order, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector—Materials (TCI— (NICET Highway Materials Materials) Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	8 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1997 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Payroll Rate</i>
Transportation Construction Manager 1 (TCM-1)	\$43.96 (ST) \$51.20 (OT)
Transportation Construction Inspector Supervisor (TCIS)	\$38.90 (ST) \$44.88 (OT)

<i>Payroll Classification</i>		<i>Payroll Rate</i>	
Transportation Construction Inspector—Materials	(TCI-M)	\$35.42 (ST)	\$40.53 (OT)
Transportation Construction Inspector	(TCI)	\$34.42 (ST)	\$39.28 (OT)
Technical Assistant	(TA)	\$24.60 (ST)	\$27.00 (OT)

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and/or TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required forms for each Project Reference Number for which the applicant wishes to be considered.

One copy of the letter of interest and required forms must be submitted to Director, Bureau of Design, Consultant Selection Committee, Forum Place, 555 Walnut Street, 7th Floor, Harrisburg, PA 17101-1900.

The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required forms must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or

corporation which is permitted under State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following:

1. The project reference number for which the applicant wishes to be considered.
2. The firm's legal name, factious name (if applicable), and the firm's Federal identification number.
3. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate the names and license number of individuals who are directing heads or employees of the firm who is responsible of the firm's engineering activities, and whose names and seal shall be stamped on all plans, specifications, plats and reports issued by the firm.
4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project." The Standard Form 255 must be signed, dated and filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project the DBE must be currently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item No. 6.

If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor of a Company, unless an acceptable Standard Form 254 for the firm and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office of Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

6. A "Workload Projection" form for the prime and each subconsultant/subcontractor. The "Workload Projection" form should indicate the firm's current and anticipated workload compared to the anticipated capacity available during the agreement projected time frame.

7. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. The latest audited overhead rate of the prime consultant and each subconsultant.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to this project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-2153. Filed for public inspection December 20, 1996, 9:00 a.m.]

Retention of Engineering Firms for Local Projects

Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties

Reference No. 02097AG0001

Approximately 25 municipalities, in cooperation with the Department of Transportation, Engineering District 2-0, will retain engineering firms to perform one or more of the following tasks concerning municipality owned bridges:

1. Prepare studies and plans for the replacement of municipality owned bridges.
2. Perform construction inspection and construction support services for municipality owned bridge replacement/rehabilitation projects.

Separate letters of interest will be required for Task 1 and Task 2.

The firms selected under Task 1 will be required to conduct final design to include preliminary alignment and accompanying data for Step 9; final alignment; type, size and location drawings; drainage design; hydrologic and hydraulic report; the Department of Environmental Resources waterway permits; bridge foundation report and soils borings; right-of-way plans; erosion control plans with narrative; maintenance and protection of traffic plans; structure drawings; pavement design; and construction plans, specifications and estimates. A conventional field survey will be required.

Upon completion of final design phase, the firm may be required to perform shop drawing review, alternate design review, and general engineering services during construction.

The firms selected under Task 2 will be required to perform construction inspection services for municipality owned bridge replacement projects. The firms may also be required to perform construction consultation services and shop drawing review and approval. The firms may be required to hold a preconstruction conference, keep records and document the construction work, prepare current and final estimates for payment to the construction contractor, obtain compliance with labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during construction of rehabilitation.

The letter of interest for Task 2 should include the resumes of a maximum of five TCISs and five TCIs. The qualifications and experience required of the firm's inspectors will be established jointly by the Department, and the municipality, and the qualifications of the firm's proposed employees will be reviewed and approved jointly by the Department and the municipality.

Technical questions concerning the requirements for this project should be directed to C. David Lynn, P.E., District 2-0, at (814) 765-0581.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit two copies of a letter of interest (L.O.I.) for each work task they are interested in to:

Department of Transportation, Engineering District 2-0, George M. Khoury, P.E., District Engineer, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The cover letter should not be more than three pages. Firms will be selected for an individual project or a group of projects. Interested firms should indicate the counties, type of projects and size of projects in which they are interested. All L.O.I. will be kept on record for use by municipalities selecting consultants for a period of 1 year from the date of this advertisement. There is no Disadvantaged Business Enterprise (DBE) requirements for this advertisement, but DBE participation may be required on the individual project.

Preference will be given to small firms for this project. A small firm will be considered as a firm of less than 100

people. Any small firm that utilizes a subconsultant that is not considered a small firm will not be given preferential consideration. Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms, and other engineering firms who have not previously performed work for the Department of Transportation.

Each L.O.I. must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in this advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement must be submitted for the firm, each party to a joint venture and for performance of professional services regardless of whether the subconsultant is an individual, or a company. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," and two copies of Form D-427 "Current Workload" must also be included. D-427 Forms are available upon request from the above address.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or services they will perform on the project.

A one page resume of key staff, maximum of four representatives for the project team, is required.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The following factors, listed in their order of importance, will be considered by the municipalities during their evaluation of the first submitting L.O.I.:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The L.O.I. and required forms should be submitted as soon as possible. Updated information may be submitted if the Engineer desires to present additional information concerning the firm's capabilities.

Various sections of the L.O.I. should be prominently tabbed or identified to ease the analysis of the submission.

The assignment of the above services will be made to one of the firms responding to this notice, but the municipalities and the Department of Transportation reserves the right to reject all L.O.I. submitted, to cancel

the solicitations requested under this notice, and/or to re-advertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-2154. Filed for public inspection December 20, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Upper Moreland Hatboro Joint Sewer Authority v. DEP; EHB Doc. No. 96-034-MG

The Department of Environmental Protection (Department), and Upper Moreland Hatboro Joint Sewer Authority (Authority) have agreed to a settlement of the appeal at the above-referenced docket.

The Authority owns and operates a sewage treatment plant located in Upper Moreland Township, Montgomery County, PA. On January 4, 1996, the Department issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0025976 (Permit) to the Authority authorizing the discharge of treated effluent to Pennypack Creek and an unnamed tributary to Pennypack Creek in accordance with the limitations and requirements set forth in the Permit. The Authority filed a timely appeal from the Department's issuance of the Permit.

The parties have agreed to a settlement of the appeal in accordance with the following terms:

(1) The Department has agreed to issue a draft amendment to the Permit (Amendment) which proposes the following changes to the Permit:

- a. Deletion of the fourth and fifth year effluent limitations for Outfall 002. Outfall 002 shall be subject to monitoring and reporting requirements for the period beginning at issuance of the Amendment and lasting through expiration of the Permit.
- b. The inclusion in Part C of the Permit of requirements for development, submission and implementation of a short term plan for control of the discharge from Outfall 002 and for the development and submission of a long term plan for control of the discharge from Outfall 002.

c. Modification of the instantaneous maximum limitation on Ammonia as N to a limit of 5 for the month of May only.

(2) The Authority agrees not to appeal the final issuance of the Amendment so long as such amendment contains the same, or less stringent, terms and conditions as those set forth in the settlement agreement. In the event that Amendment No. 1 contains different or more stringent terms and/or conditions than those in the settlement agreement, and in the event the Authority chooses to challenge such terms and/or conditions, the Authority reserves the right to raise any of the challenges raised in this appeal.

(3) The Authority agrees that by 1/04/06 it will either eliminate the discharge from Outfall 002 or comply with appropriate effluent limits for the discharge.

(4) The Department agrees that until 1/04/06, the Authority shall be subject to only monitoring and report-

ing requirements for the discharge from Outfall 002, provided that the Authority complies with the requirements of the Short Term Control Plan and the Long Term Control Plan as expressed in any permit issued by the Department to the Authority prior to 1/04/06.

Copies of the full agreement are in the hands of:

R. Rex Herder, Jr., Esquire, Acton, Herder & Bresnan, 726 Fitzwatertown Road, Suite 3, Willow Grove, PA 19090, Telephone: (215) 659-4600;

Martha E. Blasberg or Douglas G. White, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 E. North Lane—Suite 6015, Conshohocken, PA 19428-2233, Telephone: (610) 832-6313;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-2155. Filed for public inspection December 20, 1996, 9:00 a.m.]

HOUSING FINANCE AGENCY

Homeowner's Emergency Mortgage Assistance Program; Availability of Funds

Under section 409-C of the Housing Finance Agency Law (35 P.S. § 1680.101 et seq.) (act), the Executive Director of the Pennsylvania Housing Finance Agency (Agency) has determined that the Agency will have sufficient money available in the Homeowner's Emergency Mortgage Assistance Program Fund (Fund) to continue accepting and approving new applications for emergency mortgage assistance.

Previous notice was published at 26 Pa. B. 4695 (September 28, 1996), which indicated that the Agency projected that funds would be insufficient to allow the Agency to accept new applications for emergency mortgage assistance after December 31, 1996.

Since then, the Agency has received higher loan repayments and has made lower loan disbursements from the Fund than projected. Based upon the level of repayments currently being received, expected repayments to be received and the level of disbursements expected to be made from the Fund, the Agency projects that money in the Fund will be sufficient to carry out the Program for the remainder of the fiscal year. However, all applications approved will continue to be conditioned upon the availability of funds.

Mortgagees and mortgages shall continue to be subject to the provisions of Article IV-C of the act (35 P.S. § 1680.401-C et seq.) and the Agency's Guidelines, 16 Pa. Code §§ 40.201—40.209.

Should funds become insufficient to continue funding the program, the Executive Director shall cause a notice to be published in the *Pennsylvania Bulletin*, at least 60 days prior to the depletion of funds, announcing that fact and stating a date certain after which mortgagees will no longer be required to comply with the act.

This notice shall take effect immediately.

WILLIAM C. BOSTIC,
Executive Director

[Pa.B. Doc. No. 96-2156. Filed for public inspection December 20, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws: In re FBF, Incorporated; Doc. No. RT96-12-018

A formal administrative hearing is scheduled for December 23, 1996, at 10 a.m. resulting from an appeal filed on a decision by the Pennsylvania Compensation Rating Bureau of September 30, 1996, in the following matter: In re FBF, Incorporated, 1145 Industrial Boulevard, Southampton, PA 18954, Doc. No. RT96-12-018.

The Commissioner shall consider rejections of appeals from both the base rate for production workers and classification of tool and dye workers.

The hearing shall be held in accordance with 2 Pa. C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Order returnable at the formal administrative hearing on this matter. Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 no later than December 20, 1996.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2157. Filed for public inspection December 20, 1996, 9:00 a.m.]

Application and Request for a Certificate of Authority

AAA Mid-Atlantic Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on December 6, 1996, and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of

the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2158. Filed for public inspection December 20, 1996, 9:00 a.m.]

Application and Request for Plan Approval of a Merger

Fidelity National Title Insurance Company of New York, a New York domiciled title insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Fidelity National Title Insurance Company of Pennsylvania, a Pennsylvania domiciled title insurance company. The survivor will be Fidelity National Title Insurance Company of New York. The initial filing was received on December 6, 1996, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. §§ 1921—1932 and 21205—21207. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this merger are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2159. Filed for public inspection December 20, 1996, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Pennsylvania Blue Shield; BlueCard Subscriber Liability Disclosure Endorsements; Blue Cross and Blue Shield Joint Venture Group Contracts; Filing No. 308 BCSL-JV-11/96

By filing no. 308 BCSL-JV-11/96, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield propose to amend Joint Venture Group Contracts to include the BlueCard program, which allows members to receive covered services from participating providers located outside of the geographic area served by the Plan and calculate the member's liability in most instances at the lower of the provider's billed charges or the negotiated rate the Plan pays the local Blue Cross and/or Blue Shield Plan. An effective date of January 1, 1997, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Please refer to Pennsylvania Insurance Department File No. 9612090030001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2160. Filed for public inspection December 20, 1996, 9:00 a.m.]

Independence Blue Cross; BlueCard Program Endorsement; Filing No. 15-P-96

Independence Blue Cross has submitted for Insurance Department approval filing no. 15-P-96. This filing seeks to include language in all benefit contracts that explains the BlueCard Program, a Blue Cross Blue Shield Association program that allows members to benefit from negotiated rates of Blue Cross and/or Blue Shields' participating provider agreements. This filing consists of one form and seven pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia. Please refer to Pennsylvania Insurance Department File No. 9612060032001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2161. Filed for public inspection December 20, 1996, 9:00 a.m.]

Independence Blue Cross; Pennsylvania Blue Shield; BlueCard Program Endorsement; Filing No. 16-P-96

Independence Blue Cross and Pennsylvania Blue Shield have submitted for Insurance Department approval filing no. 16-P-96. This filing seeks to include in all benefit contracts language that explains the BlueCard Program, a Blue Cross Blue Shield Association program that allows members to benefit from negotiated rates of Blue Cross and/or Blue Shield Plans' participating and preferred provider agreements. This filing consists of one form and seven pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia. Please refer to Pennsylvania Insurance Department File No. 9612060028001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2162. Filed for public inspection December 20, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Jonathan R. Hackley; file no. 96-265-36892; Flagship City Insurance Company; doc. no. PH96-12-002; February 18, 1997, at 11 a.m.:

Appeal of Richard and Karen Glaser; file no. 96-264-36222; Keystone Insurance Company; doc. no. PH96-12-003; February 19, 1997, at 11 a.m.;

Appeal of Helen Roberts; file no. 96-265-36502; Keystone Insurance Company; doc. no. PH96-12-004; February 19, 1997, at 1 p.m.;

Appeal of Sharyn M. Prichett; file no. 96-280-37012; Keystone Insurance Company; doc. no. PH96-12-005; February 19, 1997, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2163. Filed for public inspection December 20, 1996, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-96-309, Dated November 18, 1996. The Commonwealth of Pennsylvania entered into a Collective Bargaining Agreement with the Pennsylvania State Education Association, National Education Association, Local Associations at Thaddeus Stevens State School of Technology. The agreement encompasses approximately 50 full-time professional employees in the nonsupervisory Instructional-Tenured Unit, certified by the Pennsylvania Labor Relations Board, more specifically referred to as PERA-R-1363-C.

Resolution #CB-96-310, Dated November 18, 1996. The Commonwealth of Pennsylvania entered into a Collective Bargaining Agreement with the Pennsylvania State Education Association, National Education Association, Local Associations at Scotland School for Veterans' Children and Scranton State School for the Deaf. The agreement encompasses approximately 75 full-time professional employees in the nonsupervisory Instructional-Tenured Unit, certified by the Pennsylvania Labor Relations Board, more specifically referred to as PERA-R-1363-C.

Governor's Office

Manual M310.3 Manual of Accounting—Amended July 17, 1996. This manual supersedes Manual M310.3 dated May 5, 1986, February 2, 1988, and Revision No. 1 dated June 8, 1988.

Manual M315.1—Municipal Tax Rate Schedules, Amended August 19, 1996. This manual supersedes Manual M315.1 dated December 2, 1993, and Revisions 1 thru 8.

Management Directive No. 315.9—Withholding of Delinquent Local Taxes from Employees' Paychecks, Amended, November 4, 1996.

Management Directive No. 520.3—Unclassified Codes and Titles, Amended November 7, 1996.

Management Directive No. 520.4—Position Classification Post-Audits, Amended November 7, 1996.

Management Directive No. 520.5—Centralized Classifications Control System, Amended November 7, 1996.

Management Directive No. 520.6—Processing of Reclassification Actions, Amended November 7, 1996.

Management Directive No. 520.8—Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan, Amended November 7, 1996.

Management Directive No. 525.4—Temporary Assignment in Higher Classification, Amended November 7, 1996.

Management Directive No. 590.8—Classification Grievance Processing, Amended November 7, 1996.

Management Directive No. 630.2—Reporting to Employee Liability Claims, Amended November 8, 1996.

Administrative Circular No. 96-46—Contract Compliance Guidelines, October 29, 1996.

Administrative Circular No. 96-47—Christmas Trees and Decorations, November 5, 1996.

Administrative Circular No. 96-48—Relocation—Pennsylvania Emergency Management Agency, November 15, 1996. New address Pa. Emergency Management Agency, 2605 Interstate Drive, P. O. Box 3321, Harrisburg, PA 17105-3321, main phone number 717/651-2018—Fax 651-2040.

Administrative Circular No. 96-49—Placing of Decals and Logos on Commonwealth Vehicles, November 15, 1996.

Administrative Circular No. 96-50—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation, November 15, 1996.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 96-2164. Filed for public inspection December 20, 1996, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Butler County, Wine & Spirits Shoppe #1007, Cranberry Mall Suite 20, 20111 Rt. 19, Cranberry Twp., PA 16066-6207.

Lease Expiration Date: April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a shopping center environment. Store-room should be located within 0.5 mile of the intersection of Route 19 and Route 28 in Cranberry Township.

Proposals due: January 3, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contract: Tom Deal, (412) 565-5130

Crawford County, Wine & Spirits Shoppe #2001, 1000 Park Avenue, Meadville, PA 16335-3345.

Lease Expiration Date: February 28, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space with free parking and rear door loading within the Central Business District of Meadville.

Proposals due: January 10, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222

Contact: George Danis, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 96-2165. Filed for public inspection December 20, 1996, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Drinking Water State Revolving Fund Projects; Public Meeting on Federal FY 1997 Project Priority List and FY 1997 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection have prepared the Federal fiscal year 1997 drinking water program Project Priority List and the fiscal year 1997 Intended Use Plan (IUP) list of drinking water projects to be considered for a design and engineering or construction loan from funds Pennsylvania expects to receive from fiscal year 1997 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program.

The FY 1997 Project Priority List was developed in conformance with the requirements of the Safe Drinking Water Act Amendments of 1996 and Federal guidance. The act stipulates that States must maintain a Project Priority List of drinking water projects from which to develop the annual IUP list of projects to be funded.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding in accordance with section 1452 of the act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the DWSRF loan funds. Projects listed on the FY 1997 IUP are expected to proceed with design and engineering or to construction in the near future. Other projects on the DWSRF Project Priority List are projects that are in development or will be developed for future loan consideration. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

The FY 1997 IUP has ten drinking water projects listed with a total dollar value of approximately \$47.4 million. The DWSRF will be capitalized with approximately \$53.3

million of Federal FY 1997 funds from the Environmental Protection Agency and approximately \$10.7 million of State funds. Some \$16.6 million of the \$64.0 million available will be set aside for program administration costs, technical assistance to small systems, development of an operator certification program and other drinking water program initiatives authorized under section 1452 of the act.

A public meeting will be held, as described below. After the public meeting and assessment of the comments received, the Final FY 1997 IUP will be completed, and potentially, it may include other projects from the Project Priority List. A project must appear on the PIIA approved IUP before it can receive a loan from the DWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the Project Priority List does not dictate the order in which projects will be chosen for inclusion in the IUP.

Federal guidance on development of the Project Priority List and Intended Use Plan direct that the project lists be subject to public comment and review before being submitted to the U.S. Environmental Protection Agency.

The Department has scheduled a public meeting for 10 a.m., January 22, 1997, in the Auditorium of the Rachel Carson State Office Building, located at 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the fiscal year 1997 DWSRF Project Priority List and the FY 1997 IUP. Interested persons are invited to express their views on the priority rating or ranking of projects on the Project Priority List and the IUP at the public meeting. Persons wishing to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, telephone (717) 787-6744, or by Internet E-Mail (Maisano.Tony@al.dep.state.pa.us) by 4 p.m., January 21, 1997. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the meeting.

It is not necessary to appear at the public meeting to present comments on the Project Priority List or the IUP list of projects. Interested persons may submit written comments to the Department at the address shown above. Such written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PIIA, the written comments

must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted above or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

The FY 1997 Project Priority List and FY 1997 IUP follow this notice.

A copy of the FY 1997 Project Priority List and the FY 1997 Intended Use Plan is available by obtaining a copy of the December 21, 1996 issue of the *Pennsylvania Bulletin* and is available for public review in the Administrative Services Section office and in the following offices:

Southeast Region:

Water Supply & Community Health Program Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA
19428-2233
(610) 832-6060

Northeast Region:

Water Supply & Community Health Program Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2553

Southcentral Region:

Water Supply & Community Health Program Manager
One Ararat Boulevard, Harrisburg, PA 17110
(717) 657-4692

Northcentral Region:

Water Supply & Community Health Program Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3675

Southwest Region:

Water Supply & Community Health Program Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4209

Northwest Region:

Water Supply & Community Health Program Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

PENNVEST

22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,

Secretary

Department of Environmental Protection

PAUL K. MARCHETTI,

Executive Director

Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 1997 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SOURCE REHABILITATION OR DEVELOPMENT
- II — TRANSMISSION
- III — WATER TREATMENT
- IV — STORAGE
- V — DISTRIBUTION SYSTEM
- VI — OTHER

PROJECT TYPE:

- SRC — SOURCE
- TRANS — TRANSMISSION SYSTEM
- TREAT — WATER TREATMENT PLANT
- TREATMOD — WATER TREATMENT PLANT MODIFICATION
- WS — WATER STORAGE
- DS — DISTRIBUTION SYSTEM
- OTHER — (SPECIFIED)

PWSID NUMBER:

PUBLIC WATER SUPPLY IDENTIFICATION NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME ADDRESS		COUNTY	REGION		PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PRIORITY PROJECT RATING RANKING	
CITY	STATE	ZIP CODE	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI:	ELIGIBLE PROJECT COST
BEAVER FALLS MUN. AUTH. P. O. BOX 400 EASTVALE I: \$1,070,000.00	PA II:	15010	III: \$2,900,000.00	IV:	SRC , TREAT 5040012 V:	36 VI:	04152019609-CW 9 \$2,435,582.00
BETHLEHEM AUTHORITY 10 E. CHURCH STREET BETHLEHEM I: \$67,008,000.00	PA II:	18018	III:	IV:	SRC 3480046 V:	49 VI:	48012019609-CW 3 \$30,000,000.0

APPLICANT NAME ADDRESS CITY NEEDS CATEGORY I:	STATE NEEDS CATEGORY II:	COUNTY ZIP CODE	REGION NEEDS CATEGORY III:	NEEDS CATEGORY IV:	PROJECT TYPE PWSID NUMBER NEEDS CATEGORY V:	PROJECT NUMBER PRIORITY RATING NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
EAST ALLEN TWP. MUN. AUTH. 5344 NOR-BATH BOULEVARD NORTHAMPTON I: \$2,800.00	PA II: \$402,700.00	NORTHAMPTON 18067	II—WILKES-BARRE	III:	SRC, TRANS, DS 3480086 V: \$72,500.00	48024019609-CW 7 \$527,000.00
MCKEAN BOROUGH 8952 MAIN STREET MCKEAN I:	PA II:	ERIE 16426	VI—MEADVILLE	III:	OTHER (TEST WELLS) 6259996 V:	25072019609-CW 2 \$30,000.00 \$50,000.00
PA AMERICAN WATER CO (PV-01) 800 WEST HERSHEY PARK DRIVE HERSHEY I:	PA II: \$2,750,000.00	MONROE 17033	II—WILKES-BARRE	III: \$400,000.00	TRANS, TREAT, WS, DS 2459999 V: \$425,000.00	45030069605-CW 5 \$5,600,000.00
PA AMERICAN WATER CO. (PV-02) 800 WEST HERSHEY PARK DRIVE HERSHEY I: \$600,000.00	PA II: \$1,597,500.00	MONROE 17033	II—WILKES-BARRE	III:	SRC, TRANS, DS 2459999 V: \$247,000.00	45009049609-CW 6 \$3,000,000.00
PAINT TOWNSHIP P. O. BOX 128 SHIPPENVILLE I:	PA II:	CLARION 16254	VI—MEADVILLE	III:	DS 6169999 V: \$512,500.00	16063019609-CW 17 \$633,800.00
PARDEESVILLE WATER ASSOC. R. D. 2 HAZLETON I: \$4,800.00	PA II:	LUZERNE 18201	II—WILKES-BARRE	III: \$24,300.00	SRC, TREAT, WS, DS 2400016 V: \$6,000.00	40081019605-CW 1 \$228,100.00
SAEGERTOWN BOROUGH P. O. BOX 558 SAEGERTOWN I:	PA II:	CRAWFORD 16433	VI—MEADVILLE	III:	WS, DS 6200043 V: \$233,000.00	20090039609-CW 11 \$725,000.00
WILLIAMSBURG WATER DEPT. 305 EAST SECOND STREET WILLIAMSBURG I:	PA II:	BLAIR 16693	III—HARRISBURG	III:	WS, DS 4070022 V: \$2,828,650.00	07069019609-CW 4 \$4,200,000.00

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 1997 PROJECT PRIORITY LIST

IN PRIORITY ORDER

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SOURCE REHABILITATION OR DEVELOPMENT
- II — TRANSMISSION
- III — WATER TREATMENT
- IV — STORAGE
- V — DISTRIBUTION SYSTEM
- VI — OTHER

PROJECT TYPE:

- SRC — SOURCE
- TRANS — TRANSMISSION SYSTEM
- TREAT — WATER TREATMENT PLANT
- TREATMOD — WATER TREATMENT PLANT MODIFICATION
- WS — WATER STORAGE
- DS — DISTRIBUTION SYSTEM
- OTHER — (SPECIFIED)

PWSID NUMBER:

PUBLIC WATER SUPPLY IDENTIFICATION NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME		COUNTY	REGION		PROJECT TYPE	PROJECT NUMBER	
ADDRESS					PWSID NUMBER	PRIORITY	PROJECT
CITY	STATE	ZIP CODE				RATING	RANKING
NEEDS CATEGORY	NEEDS CATEGORY		NEEDS CATEGORY	NEEDS CATEGORY	NEEDS CATEGORY	NEEDS CATEGORY	
I:	II:		III:	IV:	V:	VI:	ELIGIBLE PROJECT COST
PARDEESVILLE WATER ASSOC.		LUZERNE	II—WILKES-BARRE		SRC, TREAT, WS, DS	40081019605-CW	
R. D. 2					2400016	54	1
HAZELTON		PA					
I: \$4,800.00		18201	III: \$24,300.00	IV: \$81,000.00	V: \$6,000.00	VI:	\$228,100.00
MCKEAN BOROUGH		ERIE	VI—MEADVILLE		OTHER (TEST WELLS)	25072019609-CW	
8952 MAIN STREET					6259996	54	2
MCKEAN		PA					
I:		16426	III:	IV:	V:	VI: \$30,000.00	\$50,000.00
		II:					

APPLICANT NAME ADDRESS CITY NEEDS CATEGORY I:	STATE NEEDS CATEGORY II:	COUNTY ZIP CODE	REGION NEEDS CATEGORY III:		PROJECT TYPE PWSID NUMBER NEEDS CATEGORY V:	PROJECT NUMBER PRIORITY RATING NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
BETHLEHEM AUTHORITY 10 E. CHURCH STREET BETHLEHEM I: \$67,008,000.00	PA II:	NORTHAMPTON 18018	II—WILKES-BARRE		SRC 3480046 V:	48012019609-CW 3 49 \$30,000,000.00
WILLIAMSBURG WATER DEPT. 305 EAST SECOND STREET WILLIAMSBURG I:	PA II:	BLAIR 16693	III—HARRISBURG		WS, DS 4070022 V: \$2,828,650.00	07069019609-CW 4 45 \$4,200,000.00
PA AMERICAN WATER CO. (PV-01) 800 WEST HERSHEY PARK DRIVE HERSHEY I:	PA II: \$2,750,000.00	MONROE 17033	II—WILKES-BARRE		TRANS, TREAT, WS, DS 2459999 V: \$425,000.00	45030069605-CW 5 41 \$5,600,000.00
PA AMERICAN WATER CO. (PV-02) 800 WEST HERSHEY PARK DRIVE HERSHEY I: \$600,000.00	PA II: \$1,597,500.00	MONROE 17033	II—WILKES-BARRE		SRC, TRANS, DS 2459999 V: \$247,000.00	45009049609-CW 6 41 \$3,000,000.00
EAST ALLEN TWP. MUN. AUTH. 5344 NOR-BATH BOULEVARD NORTHAMPTON I: \$2,800.00	PA II: \$402,700.00	NORTHAMPTON 18067	II—WILKES-BARRE		SRC, TRANS, DS 3480086 V: \$72,500.00	48024019609-CW 7 41 \$527,000.00
SAINT FRANCIS COLLEGE P. O. BOX 600 LORETTO I:	PA II:	CAMBRIA 15940	V—PITTSBURGH		TREAT, WS, DS 4110040 V: \$577,508.00	11111019605-CW 8 38 \$1,886,270.00
BEAVER FALLS MUN. AUTH. P. O. BOX 400 EASTVALE I: \$1,070,000.00	PA II:	BEAVER 15010	V—PITTSBURGH		SRC, TREAT 5040012 V:	04152019609-CW 9 36 \$4,942,732.00
LEWISTOWN BOROUGH MUN. AUTH. 70 CHESTNUT STREET LEWISTOWN I: \$770,000.00	PA II: \$2,529,000.00	MIFFLIN 17044	III—HARRISBURG		SRC, TRANS, TREAT, WS 4440010 V:	44030029605-CW 10 35 \$14,000,000.00
SAEGERTOWN BOROUGH P. O. BOX 558 SAEGERTOWN I:	PA II:	CRAWFORD 16433	VI—MEADVILLE		WS, DS 6200043 V: \$233,000.00	20090039609-CW 11 34 \$725,000.00

APPLICANT NAME ADDRESS CITY NEEDS CATEGORY I:	STATE NEEDS CATEGORY II:	COUNTY ZIP CODE	REGION NEEDS CATEGORY III:	NEEDS CATEGORY IV:	PROJECT TYPE PWSID NUMBER NEEDS CATEGORY V:	PROJECT NUMBER PRIORITY RATING NEEDS CATEGORY VI: ELIGIBLE PROJECT COST
DELAWARE WATER GAP 49 MAIN STREET DELAWARE WATER GAP PA I: \$153,100.00 II:		MONROE 18327	II—WILKES-BARRE	III: * IV: \$200,500.00	SRC, TREAT, WS, DS 2450022 V: \$273,125.00	45012019605-CW 12 \$727,141.00
LITTLESTOWN BOROUGH 46 EAST KING STREET LITTLESTOWN PA I: II:		ADAMS 17340	III—HARRISBURG	III: \$729,000.00 IV:	TREAT 7010022 V:	01066019605-CW 13 \$1,148,650.00
GREENVILLE MUN. AUTH. P. O. BOX 638 GREENVILLE PA I: II:		MERCER 16125	VI—MEADVILLE	III: IV:	DS 6430037 V: \$636,000.00	43036029601-CW 14 \$477,000.00
WARMINSTER TWP. MUN. AUTH. 415 GIBSON AVENUE WARMINSTER PA I: II:		BUCKS 18976	I—CONSHOHOCKEN	III: IV: \$580,000.00	WS, DS 1090069 V: \$803,500.00	09144019601-CW 15 \$1,486,500.00
HALIFAX AREA WATER AUTH. P. O. BOX 455 HALIFAX PA I: II:		DAUPHIN 17032	III—HARRISBURG	III: IV:	DS 7220040 V: \$398,000.00	22024019605-CW 16 \$175,000.00
PAINT TOWNSHIP P. O. BOX 128 SHIPPENVILLE PA I: II:		CLARION 16254	VI—MEADVILLE	III: IV:	DS 6169999 V: \$512,500.00	16063019609-CW 17 \$633,800.00
BRACKENRIDGE, BOROUGH OF 1000 BRACKENRIDGE AVE. BRACKENRIDGE PA I: II: \$770,000.00		ALLEGHENY 15014	V—PITTSBURGH	III: \$25,000.00 IV: \$25,000.00	TRANS, TREAT, WS, DS, OTHER (GEN) 5020006 V: \$110,000.00	02036049609-CW 18 \$100,000.00 \$1,250,250.00
BUFFALO TOWNSHIP, MUN. AUTH. OF 707 S. PIKE STREET SARVER PA I: II:		BUTLER 16055	VI—MEADVILLE	III: IV:	DS 5100097 V: \$305,475.00	10015059601-CW 19 \$283,675.00

* "TREAT" cost (disinfection) included in "SRC" cost

APPLICANT NAME ADDRESS CITY		COUNTY	REGION		PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PRIORITY PROJECT RATING RANKING	
NEEDS CATEGORY I:	STATE NEEDS CATEGORY II:	ZIP CODE	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI:	ELIGIBLE PROJECT COST
FREDERICKSBURG WATER & SEWER P. O. BOX 161 FREDERICKSBURG I: \$40,000.00	PA II: \$900,000.00	LEBANON 17026	III—HARRISBURG III:	IV:	SRC, TRANS, DS 7380035 V: \$240,000.00	28 VI:	38006069609-CW 20 \$1,400,000.00
SHOEMAKERSVILLE, BOROUGH OF P. O. BOX 190 SHOEMAKERSVILLE I:	PA II:	BERKS 19555	III—HARRISBURG III:	IV:	OTHER (DESIGN TREAT) 3060100 V:	28 VI:	06165019609-AW 21 \$150,000.00 \$150,000.00
ROULET WATER COMPANY P. O. BOX 268 ROULETTE I:	PA II:	POTTER 16746	IV—WILLIAMSPORT III:	IV: \$113,000.00	WS, DS 6530007 V: \$188,995.00	27 VI:	53066019505-CW 22 \$303,295.00
PLEASANT VALLEY WATER AUTH. 2320 MOYER ROAD CONNELLSVILLE I:	PA II:	CAMBRIA 15425	V—PITTSBURGH III:	IV:	DS 5260006 V: \$574,000.00	19 VI:	26012039609-CW 23 \$350,000.00

[Pa.B. Doc. No. 96-2166. Filed for public inspection December 20, 1996, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 53 Pa.C.S. § 881.101 et seq. (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102

January 13, 1997 Harold W. Murphy 1:30 p.m.
(Disability)

Persons with a disability who wish to attend the above-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 96-2167. Filed for public inspection December 20, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Merger Without Hearing

A-110002 and A-110003 F2000. Baltimore Gas and Electric Company, et al. Joint application of Baltimore Gas and Electric Company, Potomac Electric Power Company, Constellation Energy Corporation and Safe Harbor Water Power Corporation for the merger of Baltimore Gas and Electric Company and Potomac Electric Power Company with and into Constellation Energy Corporation; and application of Baltimore Gas and Electric Company for the approval of abandonment of electric service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 6, 1997, under 52 Pa. Code (relating to public utilities).

Attorney for Applicants: Robert C. Gerlach, Ballard, Spahr, Andrews and Ingersoll, 1735 Market Street, 51st Floor, Philadelphia, PA 19103.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2168. Filed for public inspection December 20, 1996, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 13, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113582. Concord Limousine, Inc. (1020 West Lancaster Avenue, Bryn Mawr, Montgomery County, PA 19010), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the county of Montgomery, and from points in said county to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00110553, to Corporate Limousine, Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Application of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.

A-00089629, Folder 1, Am-P. Robert R. Kennedy and Lois J. Kennedy, Copartners, t/d/b/a Kennedy Transfer (R. D. 1, Box 111, DuBois, Clearfield County, PA 15801)—household goods in use, from points in the city of DuBois, Clearfield County, to other points in Pennsylvania and vice versa: *so as to permit* the transportation of household goods in use, between points in the borough of Bellefonte, Centre County, and within 7 miles by the usually traveled highways of the limits of said borough, and from points in said area to points in Pennsylvania and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00073006 to William C. Confer, subject to the same limitations and conditions. *Attorney:* John E. Fullerton, P. O. Box 9500, Harrisburg, PA 17108.

Applications of the following for approval of the right to *begin* to operate as a *broker* for the transportation of *persons* as described under each application.

A-00112577, Folder 3. Airport Limousine Service, Inc. t/d/b/a Airport Limousine Service and Embassy Coach (formerly Als Acquisition Company) (5931 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons between points in Pennsylvania. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Applications of the following for approval of the *additional right and privilege* of operating motor vehicles as common carriers for transportation of *persons* as described under each application.

A-00111341, Folder 4. Billtown Cab Co., Inc. (3575 West Fourth Street, Williamsport, Lycoming County, PA 17701), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Lycoming and Clinton to the Williamsport-Lycoming County Airport in the borough of Montoursville, Lycoming County; the University Park Airport in Benner Township, Centre County; the Wilkes-Barre/Scranton Airport in Pittston Township, Luzerne County; the Harrisburg International Airport in the borough of Middletown and Lower Swatara Township, Dauphin County; the Capital City Airport in the borough of New Cumberland, Cumberland County, and Fairview Township, York County, and the Philadelphia International Airport in the city and county of Philadelphia, and Tinicum Township, Delaware County. *Attorney:* Lloyd R. Persun, P. O. Box 5950, Harrisburg, PA 17110-0950.

Applications of the following for *amendment* to the certificate of public convenience approving the operating of motor vehicle as common carriers for transportation of *persons* by *transfer of rights* as described under each application.

A-00106393, Folder 1, Am-B. A. J. Myers & Son, Inc. (R. D. 1, Route 422 East, Kittanning, Armstrong County, PA 16201), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, in school bus-type vehicles, between points in the townships of Perry, Pine, Manor, South Buffalo, Parks, Kiskiminetas and Plumcreek, and the boroughs of Apollo, North Apollo, Leechburg, Freeport and Elderton, all in Armstrong County, and from points in said townships and boroughs to points in Pennsylvania, and return: *so as to permit* the transportation of groups and parties of persons, (1) from the boroughs of Zelienople, Harmony and Evans City, Butler County, to points in Pennsylvania; (2) from points in the townships of Cranberry, Forward, Jackson and Lancaster, Butler County, and the township of Marion, Beaver County, to points in said townships within 5 miles of the point of origin; which is to be a transfer of the rights authorized under the certificate issued at A-00100504, to Waycak Transit Lines, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before January 6, 1997.

- A-00113566 Marc Moore, t/d/b/a Marc Moore's Trucking
R. D. 5, Box 5585, Moscow, PA 18444
- A-00113567 Ronald N. Lanning
R. R. 3, Box 230A, Hunlock Creek, PA 18621
- A-00113568 Nancy S. Petroski
3147 Little Road, Perkiomenville, PA 18074
- A-00113569 Santarelli and Sons Oil Co., Inc.
443 Main Street, Peckville, PA 18452
- A-00113593 Shawn D. Weaver
206 West Main Street Rear, Everett,
- A-00113594 R & R Trucking, Inc.
1818 Burlington Street, Hamilton-Ontario, Canada, L8H3L4; William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383
- A-00113580 Envirite of Ohio, Inc.
2050 Central Avenue, S. E., Canton, OH 44707; Peter J. Skalaban, Jr., Esquire, 1717 Arch Street, 4000 Bell Atlantic Tower, Philadelphia, PA 19103-2793
- A-00113581 Envirite of Pennsylvania, Inc.
1600 Pennsylvania Avenue, York, PA 17404; Dechert, Price & Rhoads, Attention: P. J. Skalaban, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793
- A-00113587 Jadon R. Shelter, t/d/b/a Keystate Transport
5926 Maxheimer Road, St. Thomas, PA 17252
- A-00113588 Donald W. Himes, Jr., t/d/b/a Himes, Don Livestock Hauler
1343 West Campbell Road, Green Lane, PA 18054

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Vincent R. Worster and Sandra J. Worster, Copartners, t/d/b/a Lauhar Carriage; Doc. No. A-0011010C9601

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Under that delegated authority and section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Vincent R. Worster and Sandra J. Worster, Copartners, t/d/b/a Lauhar Carriage, respondent, maintains a principal place of business at 664 Broad Street, Salamanca, NY 14779.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110010.
3. That under section 512 of the Public Utility Code, 66 Pa.C.S. 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Vincent R. Worster and Sandra J. Worster, Copartners, Lauhar Carriage at Docket No. A-00110010, for failure to maintain current evidence of insurance on file with the Commission and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Kenneth E. Nicely,
Director, Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to: John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 30 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2169. Filed for public inspection December 20, 1996, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 8, 1997	Rosemary Heller-Capps (Multiple Service Membership)	1 p.m.
	Terry B. Hileman (Multiple Service Membership)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 96-2170. Filed for public inspection December 20, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Hydraulic Hose and Fittings (Gates Brand)

Open Date: January 13, 1997 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms

and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2171. Filed for public inspection December 20, 1996, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 86-010-RL85. Highway Advisory Radio (HAR) and Variable Message Sign (VMS) Systems.

Bid Opening Date: February 4, 1997, 11 a.m.

Bid Surety: 5%.

Plans, specifications and contract documents will be

available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A mandatory prebid meeting for the project under the direction of the Engineer is scheduled for 10 a.m., January 14, 1997, at the Turnpike's Eastern Regional Office.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III
Chairperson

[Pa.B. Doc. No. 96-2172. Filed for public inspection December 20, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦
(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

3610-04 Offset printing equipment.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

3610-07 Facsimile equipment and supplies lease w/purchase option.

Department: All Using Agencies
Location: Various Locations
Duration: 04/20-04/19
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

4930-01 Automated fuel control system replacement part.

Department: Transportation
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

5805-03 Miscellaneous telephone equipment.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6505-00 Pharmaceutical.

Department: All Using Agencies
Location: Various Locations
Duration: 07/01-06/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6530-07 Hospital equipment and supplies.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6760-02 Microfilm equipment and supplies.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6840-02 Pesticides.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7110-07 Components for modular panels and chairs.

Department: Correctional Industries
Location: Various Locations
Duration: 04/01-03/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7485-01 Ribbons: printer/typewriter.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8345-01 Flags, United States and PA.

Department: All Using Agencies
Location: Various Locations
Duration: 04/15-04/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8520-01 Toiletries: beauty supplies, skin care, dentifrice.

Department: All Using Agencies
Location: Various Locations
Duration: 05/01-04/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9150-01 Motor oils and lubricants.

Department: All Using Agencies
Location: Various Locations
Duration: 06/01-05/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9330-01 Sheets, polycarbonate and acrylic.

Department: All Using Agencies
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9905-04 Pavement marking legends.

Department: Transportation
Location: Various Locations
Duration: 04/01-03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8095130 Building and construction materials—3 each; 16 foot conventional steel doors with insulation and electric motors (furnish and install).

Department: Transportation
Location: Washington, PA 15301
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1452116 Chemicals and chemical products—various acres; liquid fertilizer for corn; herbicides for conventional tillage, etc.

Department: Corrections
Location: Graterford, Montgomery County, PA 19426
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1446726 Communication and entertainment equipment and supplies—1 lot; acquire NEC hardware and software to provide major enhancements to the telecommunication system.

Department: Public School Employee's Retirement System
Location: Harrisburg, Dauphin County, PA 17108
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7382010 Electric wire and power and distribution equipment—various amounts; Hewlett Packard 54610-B, 500 mhz bandwidth oscilloscope, Hewlett Packard 5386A frequency counter to 3.0 ghz, etc.

Department: PA Emergency Management Agency
Location: Harrisburg, Dauphin County, PA 17105-3321
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1467116 Food preparation and serving equipment—2 each; Skittle steamer, electric, 208v, 1 phase with 304 stainless seam welded pan body with 1 1/2" draw-off, 316 stainless, 10 degree tilting pan, 31" working height insulated sides and bottom.

Department: Corrections
Location: Camp Hill, Cumberland County, PA 17001-8837
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1543216 Furnace, steam plant and drying equipment—2 each; furnish stainless steel instantaneous packaged steam fired water heater.

Department: Public Welfare
Location: Bridgeville, Allegheny County, PA 15017-1599
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1482386 Horticulture equipment, machinery and supplies—various amounts; tree shelters/five foot and four feet.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8552
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1464156 Hospital equipment and supplies—4,500 cartons; "KEEP AMERICA BEAUTIFUL" trash liners, white, 20 to 30 gallon.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17125
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1497216 Hospital equipment and supplies—3 each; shower trolley: designed for transporting and shower use—3 each; mixing console: constructed of high quality, fire retardant, gel-coated fiberglass.

Department: Public Welfare
Location: Polk, Venango County, PA 16342
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1512216 Hospital equipment and supplies—2 systems; whirlpool bathing system, complete.

Department: Public Welfare
Location: Polk, Venango County, PA 16342
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1459116 Household and commercial furnishings and appliances—100 each; cell corner luminaire light fixture with two GE-F40CW-RS-WM lamps and rapid start 277 volt ballast.

Department: Corrections
Location: Greensburg, Westmoreland County, PA 15601-899
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1201116 Prefab structures and scaffolding—1 each; supply all materials for construction of a 40 foot by 80 foot by 24 foot pole barn.

Department: Corrections
Location: Frackville, Schuylkill County, PA 17931
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1433116 Radio and television equipment and supplies—1 system; furnish and install a CCTV system.

Department: Corrections
Location: Dallas, Luzerne County, PA 18612-0286
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Advertising—01

Project No. 95-06 "Media Training" PennDOT seeks a communications/public relations consultant to present a series of employee training sessions on working with the media. The successful training provider will have experience in dealing with the media, crisis communications, handling routine interviews and creating news, as well as training organizations to improve media relations. Those employees to be trained will come from a variety of work areas and may deal with the media regularly, or infrequently. To learn more about training or to obtain detailed requirements, FAX request to "Attention Tina Chubb" at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17120-1900
Duration: 1 year
Contact: Tina Chubb, (717) 783-7001

Project No. 96-13 "Driver Safety Public Information and Education (PI&E) Campaign" The objective of this project is to develop extensive public information and education materials to improve the safe driving performance of drivers. Detailed requirements and an RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101
Duration: 39 months
Contact: Tina Chubb, (717) 783-7001

961018 Publish and distribute, at no cost to the PLCB, approximately 300,000 copies of a Wine and Spirits Price List four (4) times a year to approximately 670 Wine and Spirits Shoppes in Pennsylvania. Cost of publication and distribution to be absorbed by the contractor who may derive revenues from the sale of Board approved advertisements to appear in the publication.

Department: Liquor Control Board
Location: Various Wine and Spirits Shoppes located throughout the Commonwealth of Pennsylvania
Duration: August 19, 1997 through December 31, 2000
Contact: Debra L. Brinser, (717) 772-2043

Agricultural Services—02

254 Chemical spray application service pesticide/liquid fertilizer spraying of approximately 2300 acres of various field and garden crops. Vendor to provide equipment, materials and operators.

Department: Corrections
Location: Correctional Industries, State Correctional Institution Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823
Duration: March 3, 1997 through June 30, 1997
Contact: Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 251

255 Chemical spray application service. Nitrogen fertilizer spraying of approximately 750 acres of various field and sweet corn crops. Vendor to provide equipment, materials and operators.

Department: Corrections
Location: Correctional Industries, State Correctional Institution Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823
Duration: June 20, 1997 through July 31, 1997
Contact: Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 251

040074 The Pennsylvania Department of Transportation requires approximately 30 mowing cycles, spring cleanup and turf fertilization at each of 3 Safety Rest Areas in Luzerne County. Specifications may be obtained by phoning (717) 963-4016 between 7:00 a.m. and 4:00 p.m., Monday through Friday.

Department: Transportation
Location: Luzerne County, PA
Duration: 1 year
Contact: William Tyson, (717) 963-4016

040075 District-wide flail mowing along State highways in Lackawanna, Luzerne, Pike, Susquehanna, and Wayne Counties. Total acreage for three cycles is approximately 4,000 acres. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

Department: Transportation
Location: District 4-0, Lackawanna (0420), Luzerne (0430), Pike (0440), Susquehanna (0450) and Wayne (0460) Counties, PA
Duration: 5-1-97 to 4-30-98
Contact: William Tyson, (717) 963-4016

040077 The Pennsylvania Department of Transportation requires approximately 32 mowing cycles, spring cleanup, lawn maintenance, and turf fertilization at 2 Safety Rest Areas in Pike County. Specifications may be obtained by phoning (717) 963-4016 between 7:00 a.m. and 4:00 p.m., Monday through Friday.

Department: Transportation
Location: Pike County (0440), PA
Duration: May 1, 1997 to April 30, 1998
Contact: William Tyson, (717) 963-4016

Audio/Video—04

CT-142 The contractor shall provide cellular air time, maintenance and repair service for the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: 2 years 1 month
Contact: Nancy A. Lasko, Purchasing Agent, (717) 644-7890, ext. 142

70 Provide repairs and service for the UHF hand-held and mobile radios, antenna and repeater system at the Loysville Youth Development Center.

Department: Public Welfare
Location: Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: 7/1/97 to 6/30/2002
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

Barber/Cosmetology Services—05

72 Provide haircutting services to the youth at the Loysville YDC and Secure Treatment Unit.

Department: Public Welfare
Location: Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047
Duration: 7/1/97 to 6/30/2000
Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

Construction and Construction Maintenance—09

08430AG2036 Open-End Contract for Construction Inspection Services on various projects in Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties all in Engineering District 2-0.

Department: Transportation
Location: Engineering District 2-0, PA
Duration: Thirty (30) months minimum
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2037 Construction inspection and documentation services for S. R. 0219, Section C04, Mifflin County.

Department: Transportation
Location: Engineering District 2-0, PA
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2038 Construction inspection and documentation services for various Highway Occupancy permit projects in Cameron, Centre, Clearfield, Clinton, Elk, Juniata, Mifflin, McKean and Potter Counties, all in Engineering District 2-0.

Department: Transportation
Location: Engineering District 2-0, PA
Duration: Five (5) years
Contact: Consultant Agreement Division, (717) 783-9309

080937 Erie County, Boyer Road Bridge (T-610); Venango County, Slab Furnace Road (T512); Delaware County, SR 2004 (64S); Lancaster County, SR 722 (003); Bedford County, SR 26 (07B); Cambria County, SR 160 (03M); Bucks County, Group 6-97-BR1; Chester County, Group 6-97-BR2; Delaware County, Group 6-97-BR3; Philadelphia County, Group 6-97-2MP; Harrisburg International Airport, HIA Water Tank.

Department: Transportation
Location: Districts 1-0, 6-0, 8-0, 9-0, PA
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

Project No. DGS A578-14 Project title: Renovations to Annexes of Cell Blocks "A" and "D". Brief description: remove 4 cells and create 3 offices and a staff toilet. Remove walls, doors, windows, toilet partitions and frames to create a large day room. Paint all interior walls, ceilings, pipes and doors. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, January 22, 1997 at 2:00 p.m. A pre-bid conference has been scheduled for Thursday, January 9, 1997 at 10:00 a.m. in the Administration Building Basement Cafeteria, Dallas Correctional Institution, Dallas, PA. Contact person: George Burns, telephone (717) 675-1011, ext. 317. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Dallas State Correctional Institution, Dallas, Luzerne County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-117-135R Constructing an access road; approximately 15,000 c. y. of dredging; erosion and sedimentation control measures; and landscaping. All work is located at Parker Dam State Park.

Department: Conservation and Natural Resources
Location: Huston Township, Clearfield County, PA
Duration: 30 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-213-197R Excavation; ditch cleaning; culvert flushing; provide and place PennDOT 2A aggregate, R-3, R-4 and R-6 riprap, No. 67 aggregate; riprap slope protection; erosion control matting; and provide and place lime, fertilizer, seed and mulch. All work is located at Raccoon Creek State Park.

Department: Conservation and Natural Resources
Location: Hanover Township, Beaver County, PA
Duration: Complete all work by June 30, 1997
Contact: Construction Management Section, (717) 787-5055

MU7701 Mansfield University is seeking interested contractors for construction of storage and pressbox structure at Shaute Baseball Field on the campus. The work includes excavation, construction of footings, reinforced concrete block walls, storage area slab on grade, construction of wood framing, roofing, installation of windows and doors (including a garage door) and installation of electrical system for lighting and fire and smoke alarms. A pre-bid meeting is scheduled for February 10, 1997 at 10 a.m. in Brooks Maintenance Building, Mansfield University and the Bid Opening will be February 25, 1997 at 2 p.m. in the Purchasing Department, Mansfield University. Bid packages can be from Entech Engineering, Inc., 4 South 4th Street, Reading, PA 19602; bid package cost Thirty Dollars (\$30.00) non-refundable deposit. Bonding is required for this project. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Mansfield University, Mansfield, PA 16933
Duration: April 97 through September 97
Contact: Peg Chapel, (717) 662-4148

BM-0800-03 Contractor for the removal and proper disposal of a concrete bridge and the erection of an Acrow Panel Bridge or Mabey Bridge.

Department: Transportation
Location: SR 2013 (Bell Road) over the Octoraro Creek in Colerain Township, Lancaster County, PA
Duration: March 01, 1997 to June 30, 1997
Contact: Ray E. Ebersole, (717) 787-4735

DGS 948-41 EC1.6 rebid Project Title: Asbestos and Hazardous Materials Abatement. Brief Description: Removal and Disposal of asbestos and hazardous materials and the abatement of PCB contamination on the ground floor. Asbestos Abatement Plans Deposit: \$75.00 per set. Payable To: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications, contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail Request To: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325. (717) 763-7211. Bid Date: Tuesday, January 7, 1997 AT 2:00 p.m. Contractor or subcontractor personnel must have current Pennsylvania Department of Labor and Industry Asbestos Worker Licenses, forty (40) Hour Hazwoper Certifications.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 90 Calendar Days From Date of Initial Job Conference
Contact: Contract Bidding Unit, (717) 787-6556

Engineering Services and Consultation—14

02097AG001 Engineering services on various local municipal bridge projects to be administered by the local municipality. The municipalities are located in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties.

Department: Transportation
Location: Engineering District 2-0, PA
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 787-9309

Environmental Maintenance Services—15

AMD 65(2533)102.1 Acid Mine Drainage Abatement Project, Monastery Run. Involves an estimated 33,000 C. Y. of excavation for Treatment Cells, 22,400 C. Y. of Dike Construction, 2,240 S. Y. of rock lining with filter, 4,850 C. Y. of Coarse Aggregate and 4 flow control structures. One Hundred Percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Unity Township, Westmoreland County, PA
Duration: 540 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

08430AG2039 Construction inspection and documentation services for S. R. 0322, Section B01, Mifflin County.

Department: Transportation
Location: Engineering District 2-0, PA
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 787-9309

Food—19

1997-BE-001 Concessionaire to provide "full service" short order restaurant services. Provided meals will include hamburgers, hot dogs and assorted cold sandwiches for both sit-down and take-out service. Minimum period of operation shall be May 1 through September 30, 1997.

Department: Fish and Boat Commission
Location: Northeast Marina and Access Area, Northeast Township, Erie County, PA
Duration: One (1) year with option to renew for four (4) additional one (1) year periods.
Contact: Dennis Grove, (717) 657-4533

320-183968 Groceries and frozen foods.

Department: Military and Veterans Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: February 1, 1996 through April 30, 1997
Contact: Jeanette Gualtieri, (814) 878-4930

Inquiry No. 30156 Frozen fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30157 Ice cream, sherbet, related items. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30158 Fresh fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30159 Poultry and poultry products. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30160 Prepared fresh vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30161 Meat and meat products. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30162 Dairy and dairy products. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30163 Bread and rolls. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30164 Juices, frozen and juice drinks/unsweetened. Dates, specifications, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30165 Fish and fish products. Dates, specifications, quantities, special delivery instructions available upon request. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30166 Miscellaneous frozen foods. For period: April, May, June, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: April, May, June, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Heating, Ventilation, Air Conditioning—22

1240-96-006 Supply labor and materials to provide electrical service to 70' x 100' block building. 3 Phase service to (2) 150 amp panels with a 100 amp sub feed. Include lighting and outlets.

Department: Transportation
Location: District 12, West Brownsville Stockpile, Washington County, PA
Duration: 02/10/97 to 05/31/97
Contact: Liberty Hill, (412) 439-7361

040078 The Pennsylvania Department of Transportation requires approximately 210 hours of plumbing repair and servicing at 3 Safety Rest Areas in Luzerne County. Specifications may be obtained by phoning (717) 963-4016 between 7:00 a.m. and 4:00 p.m., Monday through Friday.

Department: Transportation
Location: Luzerne County, PA
Duration: 1 year
Contact: William Tyson, (717) 963-4016

040076 The Pennsylvania Department of Transportation requires 140 hours of plumbing repair and servicing at 1 Safety Rest Area in Lackawanna County and 1 Safety Rest Area in Susquehanna County. Specifications may be obtained by phoning (717) 963-4016 between 7:00 a.m. and 4:00 p.m., Monday through Friday.

Department: Transportation
Location: Lackawanna and Susquehanna Counties, PA
Duration: 1 year
Contact: William Tyson, (717) 963-4016

Project No. 96-20 "Facilities and Meeting Coordination for a Three-Day Conference for PennDOT Employees." The objective of this project is for PennDOT to procure hotel facilities and staff services to coordinate a three-day conference (which will be held sometime within the months of September–October, 1997) for approximately 500 employees. Requirements will include meeting room facilities, lodging rooms, banquet space, AV, and indoor/outside vendor display areas. Hotel must be able to accommodate 400 lodging rooms needed or be able to subcontract with hotels within close proximity. Detailed requirements and an RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900
Duration: Within the months of September–October, 1997
Contact: Tina Chubb, (717) 783-7001

Medical Services—29

Janitorial Services—23

010308 Maintenance of safety rest areas along interstate highways. Does not include mowing and landscaping, or refuse removal. Individual contracts will be awarded for 3 single sites and 3 dual sites for a total of six (6) contracts.

Department: Transportation
Location: Engineering District 1-0: Mercer—1 single, 1 dual; Venango—1 dual; Crawford—1 dual; Erie—2 singles
Duration: 9 months initial; 12 month renewal
Contact: Cynthia Smith, (814) 437-4213

36002 The contractor shall provide health care services, including physician, physician assistant, hospitalization, pharmacy, and laboratory to the following nine correctional facilities in Western Pennsylvania: Albion, Cambridge Springs, Greene, Greensburg, Laurel Highlands, Mercer, Pittsburgh, Somerset, and Waynesburg. The RFP will also include optional service proposals for nursing, medical records, and dental.

Department: Corrections
Location: P. O. Box 598, Camp Hill, PA 17001-0598
Duration: October 1, 1997 to September 30, 2002
Contact: Timothy S. Ringler, (717) 975-4896

Laboratory Services—24

H-5539 Clinical laboratory tests. To receive specifications, send written request to I. G. Reinert, Hamburg Center, PA 19526, FAX (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: 7/1/97–6/30/99
Contact: Irvin G. Reinert, Purchasing Agent, (610) 562-6031

Property Maintenance—33

7200-0189 Perform lawn and grounds maintenance for the East Rochester Driver Exam Site, services will include three cuttings per month for months of April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

Department: Transportation
Location: Bureau of Driver Licensing, East Rochester Driver Exam Site, 149 Stewart Avenue, East Rochester, PA 15074
Duration: 04/01/97 to 03/31/00; Proposed Bid Opening Date: January 23, 1997 at 2:00 p.m.
Contact: Janett Johnson, (717) 772-1552

010309 Complete landscaping services at safety rest areas along interstate highways. Individual contracts will be awarded for 3 single sites and 3 dual sites for a total of 6 contracts.

Department: Transportation
Location: Engineering District 1-0: Mercer—1 single, 1 dual; Venango—1 dual; Crawford—1 dual; Erie—2 singles
Duration: 9 months initial; 12 month renewal
Contact: Cynthia Smith, (814) 437-4213

Lodging/Meeting Facilities—27

SPC 270256 To be held in close proximity of 333 Market Street, Harrisburg, (1 mile walking distance). The Pennsylvania Department of Education is soliciting bids to conduct a conference for GED Administrators on March 13 and 14, 1997. Bids are requested for a facility to hold a 2-day conference for approximately 100 people—1 night's lodging and meals which includes 2 breaks w/beverages, 1 continental breakfast, 1 dinner banquet, 1 buffet lunch. Will need 1 large conference room, 1 small breakout room (30 persons). Conference room and dining room to be set up with podium, microphone, overhead projector, classroom style. Bids must be submitted by January 6, 1997 at 10:00 a.m.

Department: Education
Location: 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333
Duration: March 13 and 14, 1997
Contact: Larry Goodwin, (717) 787-5532

Real Estate Services—35

5-037 District 5 anticipates placing under rental agreement the following items: core drills, welders, cranes, pumps, excavators, trenchers, mobile road patchers, bucket trucks, air compressors, sewer cleaners, street sweepers, tri-axle and tractor trailer trucks, milling machines, wideners, loaders, dozers, tar kettles, HD portable concrete breakers, stump grinders, wood chippers, brush cutters, wreckers, and other miscellaneous equipment.

Department: Transportation

Location: Berks, Carbon, Lehigh, Monroe, Northampton, Schuylkill Counties, PA

Duration: 3/1/97 to 2/28/2000

Contact: Donald Howe, (610) 798-4181/4

[Pa.B. Doc. No. 96-2173. Filed for public inspection December 20, 1996, 9:00 a.m.]

952A Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 1,990 useable square feet of new or existing office space, with minimum parking for four (4) vehicles, in Rochester, Beaver County, PA, within the following boundaries: Rochester Township, Vanport Township, Beaver Borough, Bridgewater Borough. Proposals due: January 27, 1997. Solicitation No.: 92425.

Department: General Services

Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125

Duration: Indeterminate 1996-97

Contact: Doris Deckman or Edward P. Meyer, (717) 787-4394

Security Services—37

71 Provide repairs and service for the fire alarm system at Loysville YDC and Secure Treatment Unit. Includes yearly inspection report on condition of system in each building.

Department: Public Welfare

Location: Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047

Duration: 7/1/97 to 6/30/2002

Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

SP-336568 Provide security guard services to the Westmoreland County Assistance Office. This service will be provided to three (3) offices. Guards must be uniformed. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare

Location: 587 Sells Land, Greensburg, PA 15601

Duration: 07/01/97 to 06/30/00

Contact: Linda Reynolds, (717) 783-9699

Vehicle, Heavy Equipment and Powered Machinery Services—38

SP322361 Vendor to supply service for hauling by detachable lowboy, flatbed or fan trailer, as required for the pickup of Federal Surplus Property. Vendor will pickup surplus property within five days of notification at Federal installations within the boundaries of the continental United States. Property will be delivered to designated destinations in Pennsylvania and to the Federal Surplus Distribution Center.

Department: General Services

Location: Federal Surplus Property Division, 2221 Forster Street, Harrisburg, PA 17105

Duration: January 15, 1997 to June 30, 1998

Contact: Scott E. Pepperman, (717) 787-9724

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1214156-01	12/06/96	Motorola C&E, Inc.	5,268.00
1277116-01	12/06/96	Rockville Fabric Corp.	27,285.00
1278186-01	12/06/96	IMR Limited	10,850.00
1279186-01	12/06/96	Coleman Printing	43,596.00
1287186-01	12/06/96	Phillips Office Products	33,942.75
1341326-01	12/06/96	National Computer Systems, Inc.	679.75
1369156-01	12/06/96	E. F. Tech Sales	11,288.00
1371216-01	12/06/96	Powerhouse Technology, Inc.	37,211.00
1372116-01	12/06/96	Engineering Metal Co.	9,420.00
1372116-02	12/06/96	Bloomsburg Metal Co.	38,320.00
1372116-03	12/06/96	M. Glosser & Sons	19,845.00
1375206-01	12/06/96	Markl Supply Co.	74,304.00
2310-02	12/13/96	Warnock Dodge, Inc.	225,183.00
2310-02	12/13/96	Phillips Ford Sales	247,380.00
2310-02	12/13/96	Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet/Geo	335,160.00
2310-02	12/13/96	E-Town Dodge	190,365.00
2310-02	12/13/96	Meissner Chev/Geo/Olds, Inc.	159,381.00
2310-02	12/13/96	Manheim Chrysler Plymouth/GMC Truck	505,097.00
2310-02	12/13/96	Cumberland Truck Equip. Co.	246,000.00
2310-02	12/13/96	Regester Chevrolet, Inc.	155,954.00

Requisition or Contract #	Awarded On	To	In the Amount Of
2310-02	12/13/96	Hoffman Ford Sales, Inc.	235,755.00
2310-02	12/13/96	Warnock GMC Trucks, Inc.	170,931.00
2310-02	12/13/96	Sansone/Motor Fleet	45,260.00
2310-02	12/13/96	Warnock Automotive, Inc. d/b/a Warnock Ford	82,867.00
2310-02	12/13/96	Winner Group, Inc.	22,952.00
2310-02	12/13/96	Keystone Ford	142,183.00
2310-02	12/13/96	Northeast Auto Outlet	47,702.11
2310-02	12/13/96	Hubco Ford Truck Sales	148,934.00
5510-02	12/11/96	Moore's Lumber	100,000.00
5510-02	12/11/96	Pikesville Lumber Co.	100,000.00
5510-02	12/11/96	The Lumber Yard	100,000.00
5510-02	12/11/96	Leezer Lumber Co.	100,000.00
5510-02	12/11/96	Tague Lumber, Inc.	100,000.00
5510-02	12/11/96	Dries Building Supply Co.	100,000.00
6240-01	12/09/96	Philips Lighting Co.	100,000.00
6240-01	12/09/96	GE Lighting	50,000.00
6240-01	12/09/96	Osram Sylvania	100,000.00
8158900-01	12/06/96	J&L Systems Limited	16,499.00
8158910-01	12/06/96	J&L Systems Limited	17,044.00
8158920-01	12/06/96	J&L Systems Limited	51,132.00
8231690-01	12/06/96	Construction Crane and Tractor, Inc.	150,800.00
8503440-01	12/06/96	Hesco	50,990.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-2174. Filed for public inspection December 20, 1996, 9:00 a.m.]